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DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 1982

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES NINETY-SEVENTH CONGRESS FIRST SESSION

SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES

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PART 4

✓ Public Witness Test



U.S. GOVERNMENT PRINTING OFFICE



WEDNESDAY, MARCH 11, 1981.

SMITHSONIAN INSTITUTION

WITNESSES

S. DILLON RIPLEY, SECRETARY

PHILLIP S. HUGHES, UNDER SECRETARY

CHARLES BLITZER, ASSISTANT SECRETARY FOR HISTORY AND ART

DAVID CHALLINOR, ASSISTANT SECRETARY FOR SCIENCE

JOHN F. JAMESON, ASSISTANT SECRETARY FOR ADMINISTRATION

PAUL N. PERROT, ASSISTANT SECRETARY FOR MUSEUM PROGRAMS

CHRISTIAN C. HOHENLOHE, TREASURER

THEODORE H. REED, DIRECTOR, NATIONAL ZOOLOGICAL PARK

TOM L. PEYTON, DIRECTOR OF FACILITIES SERVICES

JON E. YELLIN, DIRECTOR, OFFICE OF PROGRAMMING AND BUDGET

INTRODUCTION OF WITNESSES

Mr. YATES. This is the hearing for fiscal year 1982 on the budget of the Smithsonian Institution and appearing in support of that budget is its very distinguished Secretary, Mr. S. Dillon Ripley; its Under Secretary, Mr. Phillip S. Hughes; Mr. Charles Blitzer, Assistant Secretary for History and Art; Mr. David Challinor, Assistant Secretary for Science; Mr. Julian T. Euell, Assistant Secretary for Public Service.

Mr. RIPLEY. He is not here this morning, he has been ill.

Mr. YATES. I am sorry to hear that. Open heart surgery no less.

Mr. RIPLEY. Yes, five bypasses.

Mr. YATES. Five of them? It sounds like a new world's record.

Mr. RIPLEY. His Deputy, Mr. MacDonnell, is here.

Mr. YATES. Thank you.

Mr. F. John Jameson, Assistant Secretary for Administration; Mr. Paul N. Perrot, Assistant Secretary for Museum Programs; Mr. Christian C. Hohenlohe, the Treasurer; Mr. Theodore H. Reed, Director, National Zoological Park.

Mr. Reed, I am surprised you are here; I thought you would be with Chia-Chia.

Mr. REED. He is sleeping in this morning.

Mr. YATES. We hope so.

Mr. Tom L. Peyton, Director of Facilities Services; and Mr. Jon E. Yellin, Director, Office of Programming and Budget.

In addition to the top echelon, if I may refer to them as that, are the top associates. Mr. Richard S. Fiske who is the Director of the National Museum of Natural History/Museum of Man; Mr. J. Kevin Sullivan, Director, Chesapeake Bay Center for Environmental Studies.

Mr. Sullivan, we are glad to see you at long last. We have heard about your Institution for many years and we are glad to see you come out of hiding.

Mr. Roger Kennedy, Director, National Museum of American History; Mr. Abram Lerner, Director, Hirshhorn Museum and Sculpture Garden.

Mr. Lerner, did I ever tell you what a marvelous show you had with the Russian art? I even bought one of your lecture tours and was edified by the learning that was shown by you. I recognized that New York accent as we went around.

Then Mr. Thomas Lawton, Director, Freer Gallery of Art. Mr. Lawton is the Chinese expert. We are glad to see you.

Mr. William E. Woolfenden, Director, Archives of American Art. Glad to see you, too.

Mr. Warren G. Robbins, Director, Museum of African Art; Mr. Nazaret Cherkezian, Director, Office of Telecommunications; Mr. John R. Kinard, Director, Anacostia Neighborhood Museum; Mr. James Morris, Director, Division of Performing Arts; Mr. Felix C. Lowe, Director, Smithsonian Institution Press.

Mr. Lowe, you are a busy fellow with all these publications that the Smithsonian puts out.

Then Mr. Robert M. Maloy, Director, Smithsonian Institution Libraries. That is an important job, too.

Then Peggy A. Loar. How did she sneak in? That is the first of the women. Ms. Loar is the Director of the Smithsonian Institution Traveling Exhibition Service.

Ms. Loar, how did you get a job? How did a woman get in this male hierarchy?

Mr. Ralph C. Rinzler, Director of the Folklife Program.

Well, everybody is identified. This is the first time we have had so many people.

Mr. MURTHA. Yes.

Mr. YATES. They are finally paying attention to us.

Mr. MURTHA. Yes, sir.

Mr. YATES. Mr. Ripley, you have a statement which I read and which is a good statement albeit quite general. We will be glad to hear your presentation as we launch your budget request.

Mr. RIPLEY. Thank you very much.

REAGAN BUDGET REDUCTION

Mr. YATES. Were you hurt by the Reagan budget?

Mr. RIPLEY. Yes, we were.

Mr. YATES. Vitally?

Mr. RIPLEY. Yes, we were.

Mr. YATES. How vitally were you hurt?

Mr. RIPLEY. Well, about \$26 million worth with the more recent cuts.

Mr. YATES. You were cut \$1.8 million in your operating account.

Mr. RIPLEY. Yes, and an amount of \$24 million for the Quadrangle development.

Mr. YATES. That is the part where you were hurt.

Mr. RIPLEY. That was an easy item for OMB to defer because it was a construction item.

Mr. YATES. And it was a big one.

Mr. RIPLEY. And it was a big one.

Mr. YATES. Apart from that it was kind of a gentle slap they gave you, was it not?

Mr. RIPLEY. I think in a way it was.

Mr. YATES. It was by comparison to what happened to some of the others.

Mr. RIPLEY. We are really, I think, very well off and we are very grateful for the understanding that our programs have received.

Mr. YATES. Are you appealing?

Mr. RIPLEY. No.

OPENING STATEMENT

Mr. YATES. All right. With that introduction, may we have your statement.

[The statement follows:]

STATEMENT OF S. DILLON RIPLEY, SECRETARY
SMITHSONIAN INSTITUTION
ON APPROPRIATIONS REQUESTED FOR FISCAL YEAR 1982

Mr. Chairman and Members of the Subcommittee:

It is a privilege to appear before the Subcommittee once again this time to present the Smithsonian's FY 1982 budget request. I would like to thank the members of the Subcommittee for the support given to the Institution in FY 1981, in particular for the funds necessary to construct the Museum Support Center. I am pleased to report that the General Services Administration has let a contract for the building of the Support Center and that construction is now underway. We expect that the building will be completed during the winter of 1982 - 1983. With the generous addition of \$5 million provided by the Congress and the application to the project of \$2.5 million of the Institution's nonappropriated Trust funds, the Support Center will be constructed according to the original plan including four storage bays.

In a related matter, we have continued to make excellent progress with our collections inventories with the key help of special collections management/inventory appropriations first provided by the Congress in FY 1979. The Institution has established a June 1, 1983 date for completion of initial inventories.

We also have conducted a very active exhibits program for the enjoyment of the millions of people who are able to visit our museums. Major exhibitions opening during the past year were "The Clockwork Universe," an exhibition of 120 Renaissance clocks and automata at the National Museum of American History and the "Living Coral Reef Exhibit," the first of its kind in the world, at the National Museum of Natural History/Museum of Man. Even with an average of 27 million visitors each year to the Smithsonian including the National Zoological Park, we are, of course, mindful that many people are unable to travel to Washington and experience our museums firsthand, especially in these inflationary times. In order to bring exhibitions, research results and educational opportunities to millions more people throughout the United States in fulfillment of our duty to increase knowledge as well as to diffuse it, we have developed a number of programs that may be described under the term outreach. To highlight our outreach activities, I have brought with me three maps. The first of these depicts the services offered by the Smithsonian Traveling Exhibition Service (SITES) and the Smithsonian National and Resident Associates Programs. In FY 1980 an estimated seven million people viewed SITES exhibits in 370 cities in 48 states and the District of Columbia. The magazine Smithsonian reaches approximately 1.8 million Resident and National Associates, many of whom participate in regional and national programs offered in various cities.

The second map displays our press, radio and film activities. These include feature stories on art, history and science distributed to over 1,400 newspapers with a circulation of approximately 40 million in all 50 states by the Smithsonian News Service. Radio Smithsonian - a weekly program featuring interviews with Smithsonian staff members and outside guests and Radio Galaxy - which provides short descriptions of the Institution's activities reach a total of approximately 22 million listeners in 47 states, while Smithsonian films have appeared on television in 33 states with a potential audience of 35 million homes.

The last map summarizes many of the educational and training publications and programs that are offered by the Smithsonian across the country. These range from loans of slides or video material on conservation to workshops to educational publications for school teachers.

We also have a number of outreach activities that do not lend themselves to display on maps. For example, Smithsonian Exposition Books which develops popular books on subjects related to our museums published 254,000 copies last year including two new titles while the Smithsonian Institution Press published 88 scholarly books, scientific series publications and catalogues; the Division of Performing Arts sold 112,000 record albums of classical, jazz, show and gospel music and staged 106 concerts and children's theater performances; the Resident Associates presented over 1,000 events from workshops to lectures to travel-study tours.

Many of the outreach programs that I have just described are financed in full or in part with the Institution's nonappropriated Trust funds. Our unrestricted Trust fund income is specifically designated to fund several programs, effectively holding down the Federal appropriations request. As an example, unrestricted Trust fund income supports the Institution's Collections Acquisitions, Scholarly Studies and Education Program, approved by the Board of Regents in FY 1978 at a level of \$2 million annually. This program, which generally requires outside matching contributions, has made possible a number of important acquisitions, research opportunities and outreach efforts. For example, in FY 1980, Acquisitions funds enabled the Freer Gallery to purchase a collection of twelve Chinese hanging and hand scrolls, among them works by the greatest masters in Chinese calligraphic history. Also in FY 1980 Scholarly Studies supported a study of the geological and biological character of tropical reefs. Based on this study of complex reef structures, new techniques are being developed for pollution control systems. This study also has led to the development of numerous techniques to maintain marine communities in microcosm form as represented in the coral reef exhibit that I have mentioned previously.

The Institution's centrally administered Fellowships and Visiting Scholars Program, previously financed with appropriated monies, also is funded with approximately \$1 million of unrestricted Trust funds annually. Trust funds are additionally being used toward Quadrangle development, Museum Support Center construction, and a variety of other purposes that are explained fully throughout the budget submission.

Amended Request

Our amended FY 1982 budget request totals \$156.2 million, which represents a total increase of \$13.1 million over the FY 1981 base in all of our accounts.

The most significant change to the original budget request is the deferral by the Office of Management and Budget of funds for Quadrangle Construction. In place of the construction request, we are seeking a sum of \$1 million for Quadrangle planning which would be used to prepare working drawings for the awarding of a construction contract in FY 1983. Also in the construction portion of our budget, the original request for the Restoration and Renovation of Buildings account has been reduced from \$8.5 million to \$7.5 million.

The final change occurs in the Salaries and Expenses appropriation where 96 full-time permanent positions have been eliminated, consisting of 60 positions in our base and 36 originally proposed new positions. Together, the estimated savings from personnel reductions total \$1.8 million and this amount has been deducted from our original request.

At this point, I will proceed to explain specific details of our FY 1982 request by appropriation.

Salaries and Expenses

For Salaries and Expenses, we are seeking an appropriation of \$135.1 million, an increase of \$12.4 million over the comparable FY 1981 figures. Approximately 40 percent of the proposed increase, or \$5.4 million, is consumed by the continuing higher cost of operations, including utilities, rent, other inflation and mandated pay costs. The balance is designated for programmatic purposes consisting of continued purchase of equipment for the Museum Support Center; acceleration of the collections inventory program and other collections management purposes; improvement to our exhibits programs, particularly those of the National Museum of American History and the National Museum of Natural History/Museum of Man; fundamental research in the sciences, art and American culture; and strengthening of our administration and facilities management functions.

We are very appreciative of funds appropriated in FY 1981 for Museum Support Center equipment. Since September 1980, a consulting firm, the Engineering Systems Division of the FMC Corporation, has been preparing detailed specifications for the collections storage equipment. Bids are scheduled to be solicited from suppliers in June 1981, using the funds appropriated in FY 1981 for this program. For FY 1982 a further amount of \$4.5 million is sought of which \$3.2 million will be used for further storage equipment purchases so that a sufficient quantity of the storage systems will be available for use at the Center at the time of occupancy. The balance of our request totalling \$1.3 million is needed for Conservation Analytical Laboratory equipment and other laboratory and office equipment.

The completion of the Museum Support Center will advance enormously the proper care of the National Collections. The Institution has been moving ahead with efforts to assure appropriate collections management, most significantly by progressing with collections inventories. We have established a deadline of June 1983 for the completion of all initial inventories. With the assistance of funds provided by the Collections Management/Inventory Program, we have emphasized accelerated inventories at the National Museum of Natural History/Museum of Man, National Museum of American History, Cooper-Hewitt Museum and for the "Smithsonian Art Index" project of the National Museum of American art. Each of these museums has made substantial progress during the past two years in setting up effective computerized inventory systems and in proceeding with inventories of their collections. The task is very complex and the largest ever undertaken by the museum world -- the National Museum of Natural History/Museum of Man holds some 60 million items and the National Museum of American History holds over 16 million items. In order to meet the 1983 deadline which would assure complete inventory control over the collections that will be transferred to the Museum Support Center, we are requesting a program increase of \$200 thousand for the Collections Management/Inventory Program which would bring the Program level to \$792 thousand. These funds will be combined with base resources of \$1.0 million, thus making available a total of \$1.8 million for the accelerated inventories in FY 1982.

In addition to the inventories, the FY 1982 budget request addresses various other collections management needs throughout the Institution for which we are seeking an increase of approximately \$800 thousand. These consist mainly of remedial conservation efforts in several museums, storage space improvement and automation of the Libraries' holdings.

A second area that we emphasize in the FY 1982 budget submission is exhibitions. With approximately 27 million visitors annually to the Smithsonian museums, galleries and the zoo, it is very important for us to keep exhibition spaces lively and reflective of the latest scholarship. One serious deficiency in the Institution's exhibit programs over the years has been the lack of an adequate temporary exhibits gallery of sufficient size and quality to accommodate outstanding traveling shows. With the aid of a private donation, we are nearing completion of a Special Exhibits Gallery, consisting of 14,000 square feet on the ground floor of the National Museum of Natural History/Museum of Man. The first show to be held in the new Gallery is "5000 Years of Korean Art" scheduled to open on July 15, 1981. This exhibition will feature outstanding objects including crowns of gold and jade from recently excavated royal tombs, Buddhist sculpture, celadon pottery of the Koryo Dynasty, and numerous works of pottery and porcelain. We are planning to mount three new shows each year in the Special Exhibits Gallery. Corporate funding will be sought for two of these. From Federal appropriations, we are seeking an additional \$243 thousand for temporary coordinators and exhibit specialists needed to manage the Gallery and to mount an additional show each year based on our collections.

Also of importance to us are the funds associated with the Major Exhibitions Program established to provide support for significant history and art exhibitions that can not be funded within base resources. The FY 1982 request for this Program totals \$1 million. The funds will be used to augment the important exhibitions that were emphasized last year -- the George Washington exhibition to be opened in the National Museum of American History on February 22, 1982, the 250th anniversary of his birth; and "Celebration: A World of Art and Ritual," scheduled to open in the Renwick later that year.

For other less spectacular but nonetheless important exhibit needs, including the upgrading of exhibits spaces, we are seeking an additional \$425 thousand.

In the area of educational outreach, building upon previous efforts, we are proposing an expansion of our Native American Program. Beginning in FY 1977 when the Program was started, the Smithsonian has sponsored museum workshops, served as liaison between Native American and various Federal agencies on museum matters and provided on-site technical assistance to Native American museums. A patchwork of funding consisting mainly of grant funds from the Department of Labor supplemented by a small Federal base and a one-year allocation from the Institution's Trust funded Education Program has supported our efforts to date.

In response to the desires of the Native American community, we are seeking to establish the Native American Program on a secure footing with a Federal base of \$333 thousand. We would note that ours is the only program that meets the needs of Native American cultural institutions on a national level. The resources requested in FY 1982 will be used mainly to defray the costs of traveling exhibitions to Native American museums, for workshops and internships, research, photography and photocopying services for Native American museums, and for the purchase of contemporary Indian ethnographic specimens for loan and traveling exhibitions.

Another important outreach program supported by the Smithsonian is the Smithsonian Traveling Exhibition Service (SITES). This program, founded in 1952, has developed into the largest, most comprehensive and varied traveling exhibitions program in America. SITES circulates an average of 170 exhibitions simultaneously, typifying the diversity of the Smithsonian's collections.

For FY 1982 we are requesting an additional sum of \$122 thousand for SITES. The funds are needed to offset dramatically increasing shipping costs, and to enhance overall efficiency through computerization. Host museums are feeling the effects of inflation severely, and it is imperative that rental fees for exhibitions toured by SITES be held down so that they may be seen by as many people as possible. The limited amount of Federal funds that we are seeking for FY 1982, an amount of \$307 thousand in total, will help to assure that fees paid for exhibitions remain within the budgetary reach of participating museums and galleries.

In addition to the outreach efforts that I have just described, we are seeking an additional amount of \$148 thousand for educational programs of the National Museum of American History, the Hirshhorn Museum, the Visitors Information and Associates Reception Center, and the Office of Elementary and Secondary Education. An additional sum of \$25 thousand is proposed for our Folklife Festival which will be extended to a two-week-long format and held during the July 4th holiday period.

As in the past, original research in the sciences, history, and art and American culture is integral to the Smithsonian. The additional amount of \$1.3 million which we are proposing in the FY 1982 budget request builds upon existing research capabilities. The new resources will contribute greatly to the vitality of the staff and will be used to develop baseline scientific data and increase knowledge of Smithsonian Collections.

Of major note is our request of \$150,000 to permit the Chesapeake Bay Center to continue the operation of a watershed monitoring system. We had requested an increase of \$200 thousand for this purpose in FY 1981 of which \$50 thousand was appropriated. We are seeking the balance in the new year because of the significance of this program. Also of considerable importance to us are funds of \$300 thousand requested in the budget to reestablish the Research Awards Program. The Program provides essential support costs only on a competitive basis for new and innovative projects initiated by Smithsonian staff scientists. We are convinced that this Program is crucial to the intellectual vitality of the Institution. It provides an incentive for staff to evolve original research initiatives and enables the Smithsonian to compete with academic institutions and private firms for the most talented scientists. We therefore respectfully ask the Congress for funds to enable us to reestablish this very important program.

Finally, in the Salaries and Expenses Appropriation, we are seeking an additional amount of \$445 thousand to strengthen several administrative offices and an increase of \$1.1 million to meet various facilities and protection services requirements that stem from operating a large and complex physical plant.

Construction

Our revised request for the three construction appropriations totals \$15.7 million. These funds will be used for construction and improvements at the National Zoological Park, restoration and renovation of Smithsonian buildings and Quadrangle planning.

Our FY 1982 request for Zoo construction is \$7.2 million, of which \$6 million is designated to begin construction of an Aquatic Habitats Exhibit and \$1.2 million is for continued construction of a Delicate Animal Facility at the Front Royal Conservation and Research Center and various repairs and renovations both at Rock Creek and Front Royal.

The proposed Aquatic Habitats Exhibit will be located between the Bird House and the newly constructed Beaver Valley Exhibit. The design, which will be completed later this year with funds appropriated in FY 1980, includes a central educational display highlighting the role of sun and water and showing the changes that have occurred in the evolution of life from a one celled animal to mammals. Three additional sections of the exhibit will represent total ecological systems of different temperature zones -- tropical, arctic and temperate. Each will include one major species, corollary species of fish, birds and mammals that live in the same temperature zone, and abundant vegetation appropriate to the environment. Construction of the exhibit is planned over a three year period, with the balance of construction funding expected to be sought in the FY 1983 budget and related operating costs to be requested for FY 1985.

The revised FY 1982 request for the Restoration and Renovation of Buildings Appropriation totals \$7.5 million. The Institution's "Five-Year Prospectus" identifies specific categories of work which are estimated to cost approximately \$52.8 million from FY 1982 through FY 1986. These include repairs of building exteriors; installation of fire detection and suppression systems; modifications to provide access for the disabled, safety and security and correction of hazardous conditions; repairs and improvements to utility systems, and other projects in support of research. Our continuing requests for substantial annual funding in this account represent the Institution's commitment to the appropriate care of Smithsonian buildings, many of which are monumental and historical in character. We place importance on this account also because of its role in creating pleasant and healthy environments for our exhibits both to enable people to derive pleasure from viewing them and to permit proper care of the National Collections which require proper environmental conditions.

Our revised FY 1982 budget request contains a request of \$1 million for Quadrangle planning. The Quadrangle consists of an area of approximately 4.2 acres located between the Smithsonian Institution Building and Independence Avenue. Its development will give increased vitality and attention to African and Eastern art. With the proposed new funding, we would be able to prepare all plans necessary for awarding a construction project early in FY 1983. We have submitted a legislative proposal to the Office of Management and Budget that would revise the currently authorized planning ceiling of \$500 thousand to \$1 million. We expect this proposal to be introduced soon into the current session of Congress.

To date, the Board of Regents have approved the use of approximately \$1.9 million of nonappropriated Trust funds for planning and design purposes. Working with outside firms, we have developed a preliminary design concept which consists of two above ground pavilions with major exhibit galleries augmented by

additional exhibit and support areas below grade. Delicate in proportion and sensitive in style, these pavilions will offer appropriate access to a new Museum of African Art and a new center for the exhibition of Eastern art and Eastern studies in association with the Freer Gallery of Art. As the plan is developed and if funds permit, the building element beneath the Quadrangle would provide additional space for exhibition and educational programs and parking for visitors and staff. A completed design concept was presented to the National Capital Planning Commission on January 8, 1981 and the design concept was approved.

Since 1979, we have been pursuing fund raising for Quadrangle development which will be financed jointly with appropriated and nonappropriated funds. In 1980, the Government of Japan donated \$1 million toward the new center for Eastern art. I am very pleased that the Republic of Korea made a similar \$1 million contribution only last month. We presently are pursuing other contributions from foreign countries. Within the United States, a corporate campaign has been organized with a goal of raising at least \$2 million dollars. And, of course, the Smithsonian plans to provide \$9 million toward construction from unrestricted Trust funds with a further reimbursable advance from endowment funds of \$6 million for the parking garage. Even with our success to date, it is clear that a pledge of support by the United States Congress consistent with that of the new Administration would be a tremendous help to our fund raising efforts. President Reagan, in accepting last month the contribution of \$1 million from President Chun of Korea, noted that a new museum of Eastern art on the Mall would "further enhance intercultural understanding and appreciation between the people of America and the people of Asia." We are very appreciative of the President's remarks and have ourselves believed that a new Museum of African Art and an Eastern center would enlarge cultural understanding of these important areas of the world. The new galleries will provide ample scope for our government to express such understanding.

We are eager to move ahead with Quadrangle development. As a joint enterprise between the Federal Government and outside contributors, the cost to the Federal taxpayer will not be large, especially in view of the benefits to be offered.

Smithsonian Foreign Currency Program

The final appropriations account in our budget request is for the Special Foreign Currency Program. Our request in this account for FY 1982 totals \$5.5 million. The proposed funds will be used to continue a program of grants to United States institutions for research in countries where excess local currencies are available, mainly India and Pakistan (\$3.5 million); to add to the forward-funded reserve in support of future programs of the American Institute of Indian Studies (\$1 million); and to initiate United States support to the international effort organized through UNESCO to restore and preserve the Indus civilization city of Moenjodaro in Pakistan (\$1 million).

These programs are all more fully explained in the budget document. Mr. Chairman, I and my staff will be happy to respond to your questions and those of the members of the Subcommittee.

Mr. RIPLEY. Well, I want to say once again, Mr. Chairman, how pleased we are to be here in force this morning to present ourselves before this committee.

Mr. YATES. You are really in tour de force this morning.

Mr. RIPLEY. And for that we are tremendously grateful.

I do want to start off by saying how grateful we are for the varied support that we had last year and in particular for the funds necessary to construct the Museum Support Center. As you know, it was largely due to the initiative of this subcommittee that we were able to fly, as it were, with the original plan assisted by our private funds, our Trust funds budget, so that construction is underway, ground has been broken. I am happy to report that we estimate that in two years from this date the building will be completed and this is a breakthrough for us, it is something we have been in the planning stage on now for 15 years so it is a very material assist to the Institution as a whole.

I also wanted to highlight the fact that in the past year in addition to our concerns about collections expressed by the new Museum Support Center and the inventories which we are proceeding to carry out with assistance from this subcommittee, we have conducted a very active exhibits program for the enjoyment of some 27 million visitors now who come each year to parts of the Smithsonian both on the Mall, the National Zoological Park, and other parts of our Institution.

OUTREACH

We also have brought the exhibitions and the research and educational opportunities to these millions more people throughout the United States. I wanted to show an exhibit here of a number of programs that we would describe under the term Outreach. To highlight these activities I have brought three maps with me. The first of these on the easel to the left shows the service offered by our Traveling Exhibition Service under the charge of Ms. Loar, who is the Director of that, and the Smithsonian National and Resident Associates Programs. You see the Associates in red, the exhibits in blue and the magazine which is the Associates' vehicle in green there on the map.

Mr. YATES. What is the difference between the Associates and the Associates' magazine for that purpose?

Mr. RIPLEY. Well, the programs of the Associates consists of six a year rather major efforts by us to bring to a city, a major center somewhere in the United States, a traveling team, as it were, of people who then give demonstrations, lectures, have an exhibit, a series of exhibits perhaps, and then have a week long seminar-like experience with members of the Associates. These are enormously popular and the number of Associates who come to them, usually held in someone's museum or cultural center in that city, are very, very reinforcing to the local community.

For example, if we have a meeting in Cleveland, you have it in the Cleveland Museum of Art or in one of the big department stores there which has exhibition facilities and that gives a great deal of excitement and stimulus to the Cleveland institution because our principle has been in effect to "patronize your neighbor-

hood grocery store." In other words, if we are bringing a cultural program, we want to emphasize to the community the resources that are right there in town. That in a sense has been the Associates' program and we do six of these a year.

Mr. YATES. Who pays for those?

Mr. RIPLEY. We do that out of our Trust funds.

Mr. YATES. What is the cost per year?

Mr. RIPLEY. I don't have the figure:

Mr. YELLIN. About \$250,000 to \$300,000 a year for the National Associates Regional Events program.

Mr. YATES. I notice from an article that appears in one of the papers that you also charge admission for some of the lectures. According to this article which appeared in the Tampa, Florida Tribune, it says:

Those wishing to attend are urged to contact local cosponsors. Lecture tickets are \$1 for Associate members and \$1.50 for nonmembers. Tickets for the garden seminar are \$15 and tickets for the American folk instrument seminar are \$10.

Do you get any of that money?

Mr. RIPLEY. Well, this is put into the budget to try to meet expenses.

Mr. YATES. I just wondered whether that money goes to the local group or whether any of it goes to you.

Mr. RIPLEY. I think it underwrites the cost of part of the whole thing. In other words, it is a self-liquidating operation as much as we can make it so.

Mr. YATES. If it costs you \$250,000 approximately, how much do you get back?

Mr. YELLIN. We receive back in those programs approximately \$25,000 to \$35,000 so it is a net cost of approximately \$250,000 a year.

Mr. YATES. Is the fact that there is an admission charge an unusual experience for Tampa, Florida?

Mr. RIPLEY. I don't think so.

Mr. YATES. They charge as they go around. Would Ms. Loar know? These are the Associates we are talking about.

Mr. RIPLEY. The seminar goes on for three or four or five days.

Mr. YATES. I suppose they have to pay something.

Mr. RIPLEY. Well, it is tremendously popular. It is a way of underwriting the costs and it is a way of showing people how valuable it is.

Mr. YATES. While we are on admissions, your museums in the city of Washington, D.C. do not have an admission charge, do they?

Mr. RIPLEY. No.

Mr. YATES. I think you are the only ones who don't charge. The National Gallery does not charge, the Federal museums do not charge. The suggestion is made that the Corcoran does not charge but the Corcoran has a box there that says, 'Pay what you want,' and they keep raising the figure to pay what you want.

Mr. RIPLEY. Most cities now if they don't have a fixed charge have this kind of 'volunteer' charge and that is simply a way of attempting to meet expenses but we have never done it in this city.

Mr. YATES. I hope we don't have to.

Mr. RIPLEY. I hope so, too. I think it is a marvelous thing to have people coming from Europe who are immensely impressed because

you cannot get into any public institution in Europe without paying a fee.

Mr. YATES. I interrupted as you were crossing the country.

Mr. RIPLEY. I am crossing the country with the Traveling Exhibition Service and the National and Resident Associates programs. There are explanatory descriptions of those programs on the right hand section and they give you some idea of the numbers of people that are now participating or are reached.

I would like to go to the second map if you have no further questions on that, Mr. Chairman.

Mr. YATES. All right.

PRESS, RADIO, AND FILM ACTIVITIES

Mr. RIPLEY. The second map displays our press, radio and film activities. We now have for the press a news service to over 1,400 newspapers with a circulation of approximately 40 million in all 50 States by our Smithsonian News Service. These are free services to give them information and sections of things that would be interesting to them about Smithsonian activities. We have Radio Smithsonian, a weekly program featuring interviews with staff members and outside guests and Smithsonian Galaxy which provides short descriptions of the Institution's activities in the same format as the News Service and they reach approximately 22 million listeners in 47 of the States while the Smithsonian films are shown on television in 33 States with a potential audience of some 35 million homes.

You will recall, Mr. Chairman, in past years there has been discussion in the subcommittee about why we don't do more television in the way of educational programs. This is something which we have been wrestling with for some years and we now have an active subcommittee within our own administration considering still further the new developments in cable, cassettes and disc facilities for television programs in the home or schools and we are actively exploring that.

COMMERCIAL TELEVISION AND PUBLIC BROADCASTING

Mr. YATES. You have not yet made the commercial networks, have you?

Mr. RIPLEY. We have had experience with them over the years, particularly two of them, NBC and CBS.

Mr. YATES. You have not made any commercial networks with that program?

Mr. RIPLEY. I don't know whether we have.

Mr. YATES. Isn't it usually Public Broadcasting?

Mr. RIPLEY. It has been as far as I know, yes.

Mr. YATES. The reason I ask that question is I wonder what happens now if it goes through the Corporation for Public Broadcasting, institutions such as yours with programming such as yours, that there will be an opportunity for outlets as much.

Mr. HUGHES. Mr. Chairman, I am the chairman of the subgroup that Secretary Ripley referred to. We have been doing two things. First, we have been looking at what we might do substantively inside the Smithsonian, what resources we have and what kinds of

programs we might put together. We also have been attempting to get a feel for the opportunities of how we would sell in some sense outside the Institution, as you suggest. Public Broadcasting is in something of a state of disarray right now partly because of a likely decline in Federal support but partly also because of a tax, if you will, a commercial tax from the other side by the networks who are exploring more of the kind of programming that the public system has done and also because of cable and the potentialities of that. In the jargon of the trade they talk about narrowcasting instead of broadcasting and we have been told by some who seem expert to us that the best opportunities for our sort of activity may well be in the cable world where the potential audience is smaller. There can be greater selectivity in the kind of programming and more control can be retained over the sort of programming that we have.

Mr. YATES. But don't you deprive the average household of seeing your program?

Mr. HUGHES. Not if the cable grows as it is anticipated. There is something like 20 percent of the homes with TV in the country that have cable now and the number of subscribers is expected to grow very substantially. How much of that will be pay cable, how much of it will approximate commercially financed programming is not clear yet but the whole state of the industry is changing and there is quite a bit of uncertainty about the future.

We have yet to talk with Mr. Ripley about some of our tentative plans but we think there is a future for us with a rather wide audience albeit probably somewhat less in numbers than the 50 or 75 or 100 million that the commercial broadcasters are looking for.

Mr. YATES. Thank you.

TRAINING AND EDUCATIONAL PUBLICATIONS

Mr. RIPLEY. The last map which we have to show you this morning summarizes many of our educational and training publications and programs that go across the country. These range from loans of slides or video material on conservation to workshops and to educational publications for school teachers. You will notice there that we have a Native American Museum program with six workshops in several States starting up and this is the beginning of putting into action now the work that we have been doing for some years on trying to build up Native American museums and work closely in training those curators and people to work in such museums across the country.

NATIVE AMERICAN MUSEUMS

Mr. YATES. Do I understand that chart correctly that there are 23 Native American museums in 23 States and the District of Columbia?

Mr. RIPLEY. That is what the chart says. I don't know it specifically myself, I didn't amass the statistics.

Mr. YATES. Do you have a Native American with you this morning?

Mr. RIPLEY. We have David Challinor or Dick Fiske who could answer.

Mr. FISKE. I think Paul Perrot could answer.

Mr. RIPLEY. Paul is an un-Native American but he is doing pretty well to make up for it.

Paul, how many museums are there in the country?

Mr. PERROT. There are many Native American communities that are struggling to establish museums. Some of these organizations are very marginal operating in community centers. Most of them do not have trained personnel, and most do not have facilities for conservation. Some, however, would be considered full-fledged museums; others call themselves museums. All are aspiring to take care of the heritage of the Native Americans in their local area. These are the ones that we are particularly concerned with assisting by providing to them technical expertise so that their own people can manage their own institutions. Also, we are interested in providing to them traveling exhibitions which are germane to their concerns. These loans from the Smithsonian are supplemented by local resources to permit them to present a more complete picture of their heritage.

Mr. YATES. How many good Native American museums are there? I suppose I put you on the spot by asking you to rate them. I know they are all good but how many of them are better than good?

Mr. PERROT. Mr. Chairman, I have not visited them all personally so I would prefer not to respond specifically but I would say there are probably eight or ten that are considered to be fairly strong. I will be glad to provide the list for the record and be as tactful as possible.

Mr. YATES. All right.

[The information follows:]

MAJOR NATIVE AMERICAN MUSEUMS

Museum of the Cherokee Indian—Cherokee, N.C.
 Dinjii Zhuu Enjiit Museum—Fort Yukon, Alaska
 Makah Cultural & Research Center—Neah Bay, Wash.
 Hopi Tribal Museum—Second Mesa, Ariz.
 Navajo Tribal Museum—Window Rock, Ariz.
 Colorado River Indian Tribes Museum—Parker, Ariz.
 San Ildefonso Pueblo Museum—Santa Fe, N. Mex.
 Native American Center for the Living Arts—Niagara Falls, N.Y.
 Seneca Iroquois National Museum—Salamanca, N.Y.
 Tomaquag Indian Memorial Museum—Exeter, R.I.
 Hoopa Tribal Museum—Hoopa, Calif.
 Malki Museum, Inc.—Morongo Indian Reservation, Banning, Calif.
 Paiute Museum—Pyramid Lake Painte Tribal Council, Nixon, Nev.
 Indian Pueblo Cultural Center—Albuquerque, N. Mex.
 White Mountain Apache Cultural Center—Fort Apache, Ariz.
 Yakima Indian Nation Museum—Toppenish, Wash.
 Cherokee Nation Museum—Tahlequah, Okla.
 Five Civilized Tribes Museum—Muskogee, Okla.

Mr. RIPLEY. Thank you very much for that, Paul.

If you have no other questions, I think that gives a pretty good overall view.

OUTREACH PUBLICATIONS

Mr. YATES. Let me just take a look at your Art to Zoo. I don't think I have seen that publication.

Mr. RIPLEY. Here is Art to Zoo.

Mr. YATES. Let's see what Art to Zoo looks like. Well, it is kind of handsome.

It shows a dress made by Annie Steel. Who is Annie Steel? Do you know who Annie Steel was, Mr. Ripley?

Mr. RIPLEY. Who was Annie Steel, John?

Mr. JAMESON. She was the grandmother of the Director of the Office of Elementary and Secondary Education, the office that puts out that publication.

Mr. YATES. Do you have a copy of Air and Space?

Mr. RIPLEY. I think we have a copy of Air and Space with us. Who has one?

Mr. YATES. No Air and Space.

Do you have a copy of a research report?

Mr. RIPLEY. I don't think we brought them.

Mr. YATES. Would you furnish them for the committee so we can see them?

Mr. RIPLEY. Yes.

Mr. YATES. All right. You may proceed.

OTHER OUTREACH ACTIVITIES

Mr. RIPLEY. We also have a number of other activities that make themselves very easily represented on the maps. The Smithsonian Exposition Books which we started several years ago develop popular books on subjects related to our museums. Now last year alone they sold 254,000 copies of such books, including two new titles in addition to the ones that were being reprinted. "The American Land" was one of them and "Every Four Years" was the other. These are subscription or mail order books, as it were, sold through mail order to members of the Associates.

We also have the Smithsonian Press which had a very successful year last year publishing 88 scholarly books, exhibition catalogs and scientific series. As you know, the Smithsonian Press is one of our standbys and has been supported partially through Federal funds for the museum publications which are scientific and partially through venture titles which are then published through commercial auspices. Last year we published 88 scholarly books, scientific series publications and catalogs. The Division of Performing Arts sold 112,000 record albums of classical, jazz, show and gospel music and staged 106 concerts and 340 children's theater performances. The Resident Associates presented over 1,000 events from workshops to lectures to travel-study tours.

During the inauguration this year, as with the Carter inauguration, the Smithsonian's Division of Performing Arts, with funds provided by the Jimmy Carter Inaugural Trust had four days of free musical performances in the museums on the Mall for people who were coming to the city for the inauguration festivities, and this has been a very successful program.

Mr. YATES. Did the new administration know about this book, "Every Four Years?" You have an article entitled, "The President is Progressive."

Mr. RIPLEY. I am sure they have appreciated that, Mr. Chairman.

Mr. YATES. It is a beautiful book.

AUXILIARY ACTIVITIES REVENUE

Mr. RIPLEY. Most of these outreach programs, as we call them, are financed in full or in major part with nonappropriated Trust funds; that is, our private funds.

Mr. YATES. How much money do you make from these programs?

Mr. RIPLEY. Chris, do you have that figure?

Mr. YATES. Two years ago I think you were making something like eight to twelve million dollars a year net.

Mr. HOHENLOHE. From all of the auxiliary activities as well as our unrestricted investments we netted \$11.6 million last year.

Mr. YATES. What was it the year before?

Mr. HOHENLOHE. I will have to check that, Mr. Chairman.

Mr. YATES. All right. That is pretty good, isn't it? What percentage of return is that?

Mr. HOHENLOHE. The gross revenues from all of our auxiliary activities was in the neighborhood of \$75 million.

Mr. YATES. Your Exhibit E-7 of your justification shows Institutional Operating Funds.

Mr. RIPLEY. The gross income shows \$84 million. This was in fiscal year 1980 and represents possibly as much as 40 percent of our total budget but the net unrestricted out of that is, of course, something down in the neighborhood of eleven or was in fiscal 1980.

Mr. HOHENLOHE. The comparable figure, Mr. Chairman, was \$11.6 million last year and the comparable figure in the year before was \$11.679 million so it is approximately the same unrestricted net revenue.

Mr. YATES. The costs have been going up?

Mr. HOHENLOHE. Yes.

Mr. YATES. What were your costs for the three years?

Mr. HOHENLOHE. The gross?

Mr. YATES. It is interesting that you had the same return even though your costs were going up. It shows either you had better management or a greater coverage or higher prices.

Mr. RIPLEY. Greater acceptability I think is part of it. We have not increased our prices to any measureable extent. I think we raised the magazine two dollars, did we not?

Mr. HOHENLOHE. Yes, we did.

Mr. RIPLEY. It is a rather small percentage.

Mr. YATES. Continue, Mr. Ripley.

Mr. RIPLEY. Our unrestricted Trust fund income is specifically designated, as you know, Mr. Chairman, and as reported in full in our reports herewith, to fund several programs.

Mr. YATES. I just want to get one figure before you go on. With the net income of \$11 million you don't pay any taxes on that, do you?

Mr. HOHENLOHE. We have not paid any related taxes.

Mr. YATES. Has IRS wanted you to pay any tax?

Mr. HOHENLOHE. We have been in discussion with them for the past several years to see how the regulations apply to the Smithsonian and that is still under discussion.

APPLICATION OF NET REVENUE

Mr. YATES. What is your net Trust fund now? If you have been pouring in \$11.5 million a year for the past three years, how much money have you saved up?

Mr. HOHENLOHE. Well, we spent almost all of the \$11.6 million during the year on programs and activities.

Mr. RIPLEY. We are not sort of adding in anything in proportion to that.

ENDOWMENT

Mr. YATES. I thought you were on your way to a \$50 million endowment.

Mr. RIPLEY. We are hoping to.

Mr. YATES. Out of Federal funds?

Mr. RIPLEY. No, no.

Mr. HOHENLOHE. Mr. Chairman, we did add \$2 million of that to our endowment fund last year.

Mr. RIPLEY. That is about what we can afford.

Mr. YATES. You added \$2 million last year. How much the year before?

Mr. RIPLEY. About \$2 million the year before that.

Mr. HOHENLOHE. It was \$2 million the year before as well.

Mr. YATES. And \$2 million the year before.

Mr. HOHENLOHE. Three million dollars the year before that.

Mr. YATES. What is the total that you have in the reserve?

Mr. HOHENLOHE. The total unrestricted endowment as of the end of last fiscal year was \$29 million.

Mr. YATES. Twenty-nine million dollars. That is pretty good.

What do you do with the \$29 million? Do you invest it? Do you still have your investment committee that should have been buying paintings instead of bonds?

Mr. RIPLEY. Yes, that is right. I still don't like that idea of buying paintings, I think it is a very ephemeral way of investing.

Mr. YATES. I don't think Joseph Hirshhorn would agree with you.

Mr. RIPLEY. Well, at least he has given the collection to the country which is something, he has not just sold it off.

Mr. YATES. We were not talking about that, we were talking about what you should invest in.

Mr. RIPLEY. Well, that is the great danger. What do you do with them once you have bought them as an investment?

Mr. YATES. You give them to the country.

Mr. RIPLEY. Well, we do a good deal of that also.

Mr. YATES. All right. Go ahead.

Mr. RIPLEY. The fund income—I was just going to recite some of the things we do.

COLLECTIONS ACQUISITION

Mr. YATES. Let me just interrupt again at this point.

How much of your unrestricted funds go to collection acquisition?

Mr. RIPLEY. One million dollars a year.

Is that right?

Mr. HOHENLOHE. We spend a million of our unrestricted funds for collection acquisitions and in addition we solicit gifts and grants from outside sources.

Mr. RIPLEY. We try to get matching funds for that.

Mr. YATES. To the extent of a million dollars a year so that you have \$2 million, is that right?

Mr. RIPLEY. At least, yes, I think so.

Mr. YATES. How much money actually went for acquisitions last year? What is your latest figure?

Mr. BLITZER. The Regents voted three years ago to devote a million dollars a year of unrestricted funds to acquisitions to spread over six museums. The Museum of African Art was added last year when it became part of the Smithsonian. The Regents also made a rule that funds available to any one of those museums should be matched 50 percent in order to encourage donations to the museums.

I can give you the figures here by year if you would like.

Mr. YATES. Would you put them in the record, Charlie?

Mr. BLITZER. Yes.

Mr. YATES. Thank you.

[The information follows:]

REGENTS' ACQUISITION FUNDS BY YEAR

<u>Museum</u>	<u>Purchase</u>	<u>Regents Funds</u>	<u>Matching Funds</u>
<u>Fiscal Year 1978</u>			
National Museum of Natural History	H. J. Kirby Siber Collection of Fossils	70,000	-0-
	Subtotal	70,000	-0-
<u>Fiscal Year 1979</u>			
Hirshhorn Museum and Sculpture Garden	Maillol Sculpture "L'Action Enchainée"	368,000	-0-
National Museum of American Art	Durand Landscape Painting "Dover Plain, Dutchess County, New York	125,000	125,000
National Museum of American History	Quartet of signed, 18th Century Stringed Instruments	100,000	18,000
National Museum of Natural History	Cordry Collection of Mexican Masks	70,000	-0-
	Subtotal	663,000	143,000
<u>Fiscal Year 1980</u>			
Freer Gallery of Art	Twelve Scrolls of Chinese Calligraphy	360,500	35,000
Hirshhorn Museum and Sculpture Garden	Lachaise Sculpture "Standing Woman" (Heroic Woman)	150,000	75,000
National Museum of American Art	Melzac Collection of Contemporary Paintings	1,029,000	486,200
National Portrait Gallery	Gilbert Stuart Portraits of George and Martha Washington	* 1,000,000	-0-
	Subtotal	2,539,500	596,200

*Represents the full amount allotted to the National Portrait Gallery from the Regents' Collections Acquisition Program. The remaining \$1,750,000 required to purchase the portraits was provided from other Smithsonian funds.

<u>Museum</u>	<u>Purchase</u>	<u>Regents Funds</u>	<u>Matching Funds</u>
<u>Fiscal Year 1981</u>			
Hirshhorn Museum and Sculpture Garden	Gauguin Sculpture "Cylinder Decorated with the Figure of Hina"	228,000	197,000
	Miro Painting "Woman before an Eclipse with Her Hair Disheveled by the Wind"	254,000	196,000
National Museum of Natural History	Carlisle Indian School Collection of Glassplate Negatives	20,000	-0-
	R. K. Harris Archeological Collection of Artifacts from Texas, Oklahoma and Arkansas	110,000	110,000
	Lhungay Collection of Tibetan Materials	60,000	-0-
	Subtotal	672,000	503,000
		<hr/>	<hr/>
	GRAND TOTAL	3,944,500	1,242,200
		<hr/>	<hr/>

OTHER USES OF TRUST FUND REVENUES

Mr. YATES. Proceed, Mr. Ripley.

Mr. RIPLEY. This program then, as you see, does require outside matching contributions where possible. This made possible all of these many acquisitions that you have heard about, read about, or we reported to you and of course a number of research opportunities and further outreach efforts. They sort of pyramid on themselves and are very good for encouraging additional understanding of our programs nationally. Trust funds also support our centrally administered fellowship and visiting scholars program.

Mr. YATES. How many visiting scholars do you have?

Mr. RIPLEY. Do you have a figure on that, Dave?

Mr. CHALLINOR. Yes. We have over 100 varying kinds for varying terms. I would say about 125 throughout the Smithsonian during a given year.

Mr. YATES. Thank you, David.

Mr. RIPLEY. We also have plugged in for the deficit on the Museum Support Center \$2.5 million of these Trust funds to add to the supplementary funds that this subcommittee initiated authorizing and helping on the Quadrangle development plans and many other purposes that are here in our budget submission that you see paragraph by paragraph as we go through it.

FISCAL YEAR 1982 AMENDED BUDGET REQUEST

I would like to proceed now to describe the amended budget request which for fiscal year 1982, Mr. Chairman, totals \$156.2 million which represents a total increase over our fiscal year 1981 base of \$13.1 million in all accounts.

The most significant change to our original budget request to OMB has been the deferral by that office of funds for Quadrangle construction. In place of the construction request we are seeking a sum of \$1 million for Quadrangle planning which would be used to prepare working drawings for the awarding of a construction contract in fiscal year 1983. Also in the construction portion of our budget, the original request for the Restoration and Renovation of Buildings account has been reduced \$1 million from \$8.5 million to \$7.5 million.

Mr. YATES. How hurtful will something like that be?

Mr. RIPLEY. It is inevitably hurtful but we cannot do anything more than be good soldiers and accept it.

MUSEUM SECURITY

Mr. YATES. How will the proposed reductions affect your guard services?

Mr. RIPLEY. I don't believe that we are badly hit on that, are we, Jon?

Mr. YELLIN. We have a base reduction in our guard services of eight positions for 1982. In addition, we had originally proposed eight additional positions for 1982 so that the total reduction is 16 guards.

Mr. YATES. A few days ago there was a newspaper story that reported the loss of certain objects from the Museum of American History, I believe it was.

Mr. RIPLEY. Yes.

Mr. YATES. They have not had any trouble?

Mr. RIPLEY. No.

Mr. YATES. How did the incident happen?

Mr. RIPLEY. We still don't know, we are investigating it. We still don't know exactly.

Mr. YATES. Was it an area that was not policed or supervised by guards?

Mr. RIPLEY. As far as I know it was an area that was under guard supervision, yes, because it was an exhibit area but I have not got the full report on exactly what happened. The FBI was called in immediately along with our own guard and security people and it is under investigation.

Mr. YATES. Would an incident like that require an analysis of the strength of your guard system?

Mr. RIPLEY. I think it might be a byproduct of that, yes. If it is shown that it happened during exhibit hours, then why was the patrolling and supervision not sufficient to insure against something of a rather major interruption of this sort?

Mr. YATES. While we are on the subject, were there other incidents of this kind in any of the other museums or other installations of the Smithsonian?

Mr. RIPLEY. During the past year?

Mr. YATES. Yes.

Mr. RIPLEY. No. There has been one mysterious disappearance of one object in a museum and that is all I know.

Mr. YATES. Excuse me a minute.

SECURITY OUTSIDE BUILDINGS

Mr. MURTHA. Mr. Secretary, how about responsibility for protection of individuals outside, do your guards have that responsibility? I am thinking of when you have classes in the evening and so forth.

Mr. RIPLEY. There is a kind of shared participation. We have, for example, a guard doing patrol with emphasis on making sure that classes are supervised and that persons are escorted out of the buildings and things of that sort.

Mr. MURTHA. I remember reading about a year ago that a woman was assaulted after she left one of the classes.

Mr. RIPLEY. Terrible case, yes.

Mr. MURTHA. Would that type of incident be affected by this reduction in your guards?

Mr. RIPLEY. John Jameson perhaps could answer that, Mr. Murtha.

Mr. JAMESON. Mr. Ripley is correct. We patrol our immediate environs including parking lots and the grounds of our buildings. We share the jurisdiction with the National Park Service and the Park Police who have the basic jurisdiction over the Mall where we believe this incident that you referred to took place. We work very closely with the Park Police and the Park Service. We have under study a plan in collaboration with them and with other jurisdictions for an improved security lighting system surrounding our buildings and on the Mall which we think would help to avoid reoccurrences of that type.

Mr. MURTHA. Is there a relationship between the number of guards now and the budget cut?

Mr. JAMESON. There is no question that the reduction of guards, both the base reduction as well as our inability to seek the additional guards in the 1982 budget, will have a negative impact on our ability to protect not only public areas inside and outside the building but the areas of loading docks and shipping platforms, collection areas and the like.

Mr. MURTHA. Can you give us an estimate of what the loss would be or what the possibility of injury to the people using the museum could be if we cut back on the guards or if we go along with these reductions?

Mr. JAMESON. I cannot give a dollar and cents estimate of what that effect would be but I think we simply heighten the risk.

Mr. MURTHA. What was the cost of the item that was stolen here just recently?

Mr. JAMESON. We do not have an estimate of the value of the objects that Mr. Ripley and the Chairman referred to. Probably the silver content or gold content is quite a few thousand dollars.

Mr. MURTHA. Is it in excess of a guard's salary?

Mr. JAMESON. Yes, sir.

Mr. MURTHA. It is in excess of a guard's salary?

Mr. JAMESON. It is probably in that ball park, yes, sir.

Mr. MURTHA. There you are. It is shortsighted to reduce your protection and lose exhibits. Obviously if you are going to have fewer guards, you are going to make it more inviting to have items taken, I would think.

Mr. RIPLEY. These things come and go in waves and it is always difficult to assess in advance where something of this sort may happen. They seem to be totally unexplainable when they occur. Sometimes they are generated by people reading about them in the newspapers who get the feeling that maybe it is worthwhile hitting that place because there is something to take there. We hate to really discuss these kinds of things in great detail because it tends to create more of a brush fire but there is no doubt that we do need more guards and we always have. We have been undermanned ever since the years that I have been here, we have been strung out. Our guards are very fine people and we work very hard to build their morale and to try to make them proud of their contributions here and at the same time we have felt that we could not give them full employment satisfaction because we are always cut.

Is that fair to say, John?

UNDERSTAFFING OF GUARDS

Mr. JAMESON. Yes, sir. We do a five year prospectus, Mr. Murtha, which projects and forecasts what we believe to be not only our current needs but needs in the out years. Based on security surveys that we have done by our own staff as well as by consultants we estimate that we are somewhere between 50 and 60 guards understaffed at this point based on the needs as we now know them. Of course, this reduction of eight positions in the base will compound that shortage.

Mr. MURTHA. How many positions short are you?

Mr. JAMESON. About 55, sir.

Mr. MURTHA. You are 55 short not including the eight?

Mr. JAMESON. Yes.

Mr. MURTHA. Mr. Chairman, we have been discussing that the value of the lost items may be in excess of the number of guard positions to be cut. I believe it is counterproductive to reduce the guard force and increase the risk of losing more valuable material, not to mention the possibility of the recurrence of the incident we had a couple years ago when the woman was assaulted outside the Smithsonian. They have a dual responsibility with the Park Police. I wonder if we should seriously consider not allowing this cut to be made.

INVESTIGATION REPORT

Mr. YATES. He is going to review, he says, and give us a report.

An article that appeared in The Washington Star indicated the fact that the objects that had been stolen were discovered about an hour after the museum had opened for the day according to a Smithsonian source. I don't know who that source was but at any rate you are still investigating it and we would appreciate a report.

Mr. RIPLEY. That particular incident is under investigation and we will get a report eventually. As I mentioned to Mr. Murtha, we are guarded in our circulation of such reports because we feel that they are somewhat classified in the sense that advertising or notice of these kinds of things tends to promote undue interest on the part of people who might perpetuate such an incident.

SALARIES AND EXPENSES APPROPRIATION REQUEST

The change in the Salaries and Expenses appropriations shows that 96 full time permanent positions have been eliminated consisting of 60 positions in our base and 36 originally proposed new positions. This comes to a savings from personnel reductions of \$1.8 million and this amount has been deducted from our original request under the 1982 budget.

Details of the 1982 request for appropriations are as follows, Mr. Chairman. In Salaries and Expenses, we are seeking an appropriation of \$135.1 million, an increase of \$12.4 million over the comparable 1981 figures. Approximately 40 percent of that proposed increase, or \$5.4 million, is consumed by the continuing higher cost of operations, including utilities, rent, other inflation and mandated pay costs. The balance is designated for our various continuing programs.

A very important programmatic request included in our budget this year is for a second increment of the Support Center equipment funds. As you know, as we described last year we cannot really make the Support Center work without having a sum for equipment purchases for it in itself and in 1982 we are asking for \$4.5 million of which \$3.2 million will be used for storage equipment purchases so that a sufficient quantity of these expertly engineered storage systems will be available for use at the center by the time of occupancy. We hate to postpone costs of this sort on the basis of the increase in the costs under a succeeding budget system. The balance of our request totalling \$1.3 million is needed

for Conservation Analytical Laboratory equipment and other laboratory equipment in the Support Center.

The completion of this center will advance enormously the proper care of the National Collections. We have been moving ahead as you know, Mr. Chairman, with efforts to assure appropriate collections management, most significantly by progressing with collections inventories. As a demonstration of our commitment to this we have established a deadline of June 1983 which is about the time of the completion of the new building for the completion of all initial inventories of our objects in our collections. For this accelerated inventory program and other collections management needs throughout the Institution we are seeking an increase this year of approximately \$1 million.

I might point out that after the time element is reached and we have completed our inventory I expect that we will decelerate any such fund requests timed with the completion of the center itself. In other words, as in past years we have built up to a certain critical stage in our timing for a significant advance. You will recall the bicentennial, we then decelerated our request for funds having accomplished the objective.

EXHIBITIONS REQUEST

A second area that we emphasized in our 1982 budget submission is exhibitions. We consider it to be essential to the museums to keep the exhibition spaces lively and reflective of the latest scholarship. As you know, Mr. Chairman, our curators who are scholars in truth perform their publications to a considerable extent in the preparation of exhibits themselves. These exhibits which represent a refined area of scholarship are in effect a testament to the work done by the curators as research professors as they would be in universities.

One serious deficiency in the Institution's exhibit programs over the years has been the lack of an adequate temporary exhibits gallery of sufficient size and quality to accommodate outstanding traveling exhibits coming from other countries or other places. This year with the aid of a large private donation we are nearing completion of a special exhibits gallery consisting of 14,000 square feet on the ground floor of the National Museum of Natural History/Museum of Man. This clearance of space is partly a result of our anticipation that the Museum Support Center will take some of the load off of spaces otherwise crammed in that museum with objects in storage.

The first show that we are going to have in this new gallery is "5,000 Years of Korean Art" which is scheduled to open on July 15 of this year. We are planning in the future to mount three new shows each year in the special exhibits gallery under Dr. Fiske's charge. Corporate and private funding will be sought for two of these exhibits and from federal appropriations we are seeking an additional \$243,000 for temporary staff needed for the gallery.

Mr. YATES. As I read this in your justification my immediate thought is that having exhibitions of this kind in the Museum of Natural History indicates to me that facilities within the Smithsonian are readily available to house exhibits of oriental art for which you say you need a building.

Mr. RIPLEY. They are merely a forecast of what we could do. In other words, we have got to give the oriental gallery and the new Quadrangle galleries some kind of a launching and one way to do it would be to be able to show what we can do when we have that space. There is ample demand in Indian artifacts, in other cultural artifacts, in traveling shows for this new exhibits gallery that we are doing right now. We are not going to be able to possibly satisfy the requirement for the traveling shows that we anticipate in special exhibitions in the Quadrangle just by creating this one new gallery but it is a kind of teaser for events to come to do a great show which we have never been able to do before.

Mr. YATES. Well, I found it a teaser certainly.

"Five Thousand Years of Korean Art" being shown in 14,000 square feet, is that larger than your Quad exhibition space?

Mr. RIPLEY. No.

Mr. YATES. What is the Quad exhibition space for the Freer?

Mr. RIPLEY. I think it is something like 40,000 feet.

Mr. BLITZER. That exhibition space is just about double the Natural History gallery: 28,000 square feet.

Mr. YATES. Twenty-eight thousand?

Mr. RIPLEY. These are the kinds of things to come and that is one reason why it happens the scheduling of the Korean show which was totally independent of the Smithsonian was such that by appealing to the Korean museum we were able to get them to have it stay in the United States a month longer and our own feeling was that this would give the public the kind of intimation of the kinds of things that we would be able to do in the future when they have the new Quadrangle.

Mr. YATES. Also, Mr. Kennedy wants the George Washington exhibition.

Mr. RIPLEY. Well, he is going to have that in the Museum of American History. That is going to be a blockbuster of a show with all the false teeth. Isn't that right, Roger?

Mr. YATES. The wooden ones, too?

Mr. KENNEDY. Yes.

Mr. YATES. Every tooth.

Mr. RIPLEY. These are major exhibition programs.

Mr. YATES. What is that going to cost, \$425,000?

Mr. RIPLEY. The Washington show?

Mr. YATES. Yes.

Mr. RIPLEY. What is the budget for that, Roger?

Mr. KENNEDY. Spread over two years. The first year about \$450,000.

Mr. RIPLEY. This is the bicentennial.

Mr. YATES. It has caused an eruption in the staff because the staff says it has to be more than that. Four hundred twenty-five thousand dollars a year?

Mr. KENNEDY. Between \$450,000 and \$500,000 the first year and a continuation of the work into the second year's special exhibit budget.

Mr. YATES. The total cost would be approximately a million dollars.

Mr. KENNEDY. Yes, the total for that core show over two years.

Mr. YATES. Well, 450 and 450 is 900.

Mr. BLITZER. What Roger Kennedy and I call it is core, c-o-r-e.

Mr. YATES. C-o-r-p-s?

Mr. BLITZER. C-o-r-e.

Mr. YATES. I thought you were having personnel.

Mr. BLITZER. That is the basic Washington which will open on his birthday next year. That is essentially funded out of the current year's major exhibition funds.

Mr. YATES. Half a million, and twice half a million is a million.

Mr. BLITZER. The request in this budget is \$800,000 and that is to extend George Washington and do exhibits about the life surrounding him and the events that took place in the late 18th Century and early 19th.

Mr. YATES. One of the little—

Mr. RIPLEY. We have a major exhibition program request in our budget.

Mr. YATES. I just want to return to George. To core George for just a moment and invite your attention to pages A-177 and A-178 which indicate that you are going from \$800,000, \$400,000 each year, to \$500,000 for this year and \$800,000 for the next year which is \$1.3 million.

Mr. BLITZER. That is right, sir.

Mr. YATES. What about the overruns?

No overruns? All right.

Does that include the music, too?

Mr. KENNEDY. No, sir.

Mr. YATES. Having witnessed you as an impresario and doing very well, I wondered about that.

Mr. KENNEDY. We raised that and will continue to raise that from private sources.

Mr. YATES. The country is great then.

Mr. RIPLEY. Especially on the private side.

Mr. YATES. Well, pretty well on the public side, too.

That takes care of George. What other great exhibits are coming up?

Mr. RIPLEY. The \$1 million request takes care of George and also Celebration.

Mr. YATES. Does Martha come along with George?

Mr. KENNEDY. Martha is included. She is present on the private side, too.

Mr. YATES. All right.

Mr. RIPLEY. The other big exhibition is the Renwick "Celebration: A World of Art and Ritual."

Mr. YATES. Will we have the opportunity in later testimony to learn how you propose to develop the George Washington exhibit when Mr. Blitzer's group and Mr. Kennedy's group come forward?

Mr. RIPLEY. Yes.

Mr. YATES. All right.

Mr. RIPLEY. We are also seeking upgrading of exhibit spaces in minor but important exhibit needs. We are seeking an additional \$425,000 to the \$1 million that is in this budget for those two major exhibitions.

EDUCATIONAL OUTREACH

Another priority area in our part of that budget request is educational outreach for which we are seeking \$600,000 additional. The

most significant increase in this category is the Native American program which is responsive to the desires of the Native American community. We started the program in fiscal year 1977 and we sponsored, as you noticed on one of the charts, museum workshops, which served as a liaison between Native American and various Federal agencies on museum matters and we provided technical assistance on site to Native American museums as Mr. Perrot has mentioned already.

Mr. YATES. What does that mean, on site? Does Mr. Perrot send some of your experts there?

Mr. RIPLEY. In the field.

Mr. YATES. I know, but do they come out of Washington or some place that is local?

Mr. PERROT. Depending upon the subject expertise is provided by members of our staff and colleagues from other parts of the country who work with representatives of the local communities. They present workshops and develop programs to further professional expertise in the communities involved.

UPGRADING OF NATIVE AMERICAN EXHIBITS

Mr. YATES. Is anything being done to upgrade the present Native American exhibits that the Smithsonian has in Washington?

Mr. PERROT. Yes, Mr. Chairman, there is a plan that is being developed by Dr. Fiske and his staff and I would suggest that he address that since he is more familiar with it.

Mr. YATES. Will we be given that opportunity later on?

Mr. RIPLEY. Would you like to do that?

Mr. FISKE. Whichever you prefer. We have a long-range exhibit plan and this plan calls for renovation of all of the Native American halls. Many of those halls that currently exist are badly outdated and desperately need renovation. We are very sensitive to this and we intend to proceed.

STATUS OF HEYE FOUNDATION COLLECTION

Mr. YATES. Mr. Kennedy and Charles Blitzer know of my interest in the collection of the Heye Foundation, the Museum of the American Indian in New York City, which is looking for a home. What is the status of that and what is its relationship to the Smithsonian? Would it be possible to get any of that material or any of those artifacts on permanent loan for the Smithsonian?

Mr. RIPLEY. Charles, could you speak to that?

Mr. BLITZER. Well, there may be two answers. On short-term, relatively—three, four, five to seven year loans—certainly we have been in discussion with them very recently for the presence of that material in the Museum of American History. The longer term resolution of that independent body's corporate objectives, the objectives of that museum, we cannot speak to for them.

Mr. YATES. Does this relate to Dick's outfit?

Mr. RIPLEY. No. We have to keep going with this as we can.

NATURAL HISTORY MUSEUM EXHIBITS REFURBISHMENT

Mr. YATES. This is your permanent exhibit.

Mr. RIPLEY. Yes.

Mr. YATES. Should it be upgraded?

Mr. FISKE. Very definitely.

Mr. YATES. How much money would it take to update it?

Mr. FISKE. Most halls in the Museum of Natural History cost between \$250,000 and \$350,000 depending on the extent of the renovation. This, of course, is exclusive of salaries. This only represents materials necessary for refurbishment.

Mr. YATES. Has that program been started yet, or is it in the planning stage or just in the dreaming stage?

Mr. FISKE. No, it is not in the active planning stage, it is on the drawing board. Frankly the problem that we face is with increasing expenses. It is taking us longer and longer to complete the dinosaur hall, which has been closed for more than two years now and the pace of progress has been slowed by inflation.

Mr. YATES. What can we do about it?

Mr. FISKE. There is a request.

Mr. YATES. Inflation is deflating your program.

Mr. FISKE. There is a request in the fiscal year 1982 budget for this purpose.

Mr. YATES. Two hundred forty-three thousand dollars.

Mr. FISKE. No, the other part of that, the \$190,000 which will help us to pull ourselves even again and try to deal with inflation that has taken such a heavy toll over the last five or six years.

Mr. YATES. All right.

Continue, Mr. Ripley.

NATIVE AMERICAN PROGRAM

Mr. RIPLEY. Well, to finish with the Native American request, we are requesting aid in photography and photocopying services and for the purchase of some contemporary Indian ethnographic specimens for loan and traveling exhibitions.

ORIGINAL RESEARCH

As in the past, original research in the sciences, history and art, and American culture are integral to the Smithsonian. The additional amount of \$1.8 million which we are proposing in the 1982 budget request for research builds on existing capabilities.

With regard to the Chesapeake Bay Center, we are requesting \$150,000 to continue the operation of a watershed monitoring system. We had requested an increase of \$200,000 for this purpose in fiscal year 1981 of which only \$50,000 was appropriated. We are seeking the balance in this new year because of the significance of this program.

Also, another item of significant importance to us is the amount of \$300,000 requested in the budget to re-establish the Research Awards Program. As the Chairman will recall, this was discussed in last year's budget hearings and mention was made of the importance of this program to the aspirations of our research staff and of our own administrative ability to assist the research staff. We feel that this is a significant item to us and we are requesting it in our budget.

ADMINISTRATION, FACILITIES AND PROTECTION SERVICES

Finally, in our Salaries and Expenses appropriation we are seeking an additional amount of \$445,000 to strengthen several administrative offices and an increase of \$1.1 million to meet facilities and protection services requirements that stem from operating our large and complex physical plant.

CONSTRUCTION REQUEST

In construction our revised requests for three appropriations total \$15.7 million. These are to be used for construction and improvements at the zoo, restoration and renovation of buildings and Quadrangle planning, the latter of which, as you know, we are authorized to request the sum of \$1 million in this budget year.

NATIONAL ZOOLOGICAL PARK CONSTRUCTION REQUEST

Our fiscal year 1982 request for zoo construction is \$7.2 million of which most or \$6 million is for the construction of an Aquatic Habitats Exhibit, the very ambitious and effective proposed exhibit which I have been looking over carefully with Dr. Reed and which I think could be a first in the zoo construction in the United States.

Mr. YATES. In what way a first? Are you talking about building an aquarium?

Mr. RIPLEY. No, sir. There will be some aquatic animals in it but it could not be described as an aquarium. Rather, it is an ecological setting in which animals and plants both in and out of the water are associated together as you have in a marginal situation a pond with, let's say, trout or other fish or vertebrae in the water and the planting overhead. Climate control and treatment would be very sophisticated and quite different from the normal aquarium kind of exhibit techniques which is tanks and an entirely under water presentation.

Mr. YATES. How many aquatic animals do you contemplate will be residents in your exhibit?

Mr. RIPLEY. Well, we are getting quite a lot of expertise in this connection. As you know, in our coral reef studies we built the first self-contained coral reef largely with support on an educational grant provision from the National Science Foundation and it is presently operating in the Natural History Museum building. It is tremendously effective, one of a kind, and is largely self-supporting; that is, the animals don't just die as they tend to in an aquarium because of the filtration and the production of chemicals and the reinstitution or the filtering of obnoxious chemicals that we are able to do with a closed system. It is very successful in maintaining itself and it becomes a stable environment.

I have an editorial I wrote about it, Mr. Chairman, in our January issue which covers something in short circumstances about that aquarium and I would think, if I may say so, that profiting from this kind of research our zoo aquatic habitat, and I hope Dr. Reed will agree with me, could have some of these kinds of features of environmental control so that we will be able to make these animals long lived and successful denizens of the habitat. Now \$1.2 million of this request is for continued construction of a delicate animal facility at the Front Royal Conservation and Research

Center and some repairs and renovations both at Rock Creek and Front Royal.

RESTORATION AND RENOVATION OF BUILDINGS APPROPRIATION REQUEST

Our revised downward request for the Restoration and Renovation of Buildings Appropriation totals \$7.5 million. Our continuing request for substantial annual moneys in this account represents the Institution's commitment to the appropriate care of our buildings, many of which are monumental or historical in character. We put a great deal of emphasis on this account because of its role in maintaining pleasant and healthy environments for our exhibits and for people to derive pleasure from viewing them and to permit proper care of the national collections.

QUADRANGLE PLANNING

Our revised 1982 budget request contains the request of \$1 million, as I have said, for Quadrangle planning. You know the location area of that Quadrangle. We have a model of the proposed plan and we feel that we would be able to prepare with such funds all the plans necessary for awarding a construction project in fiscal year 1982.

Mr. YATES. Does that project also pertain to the Forrestal Building?

Mr. RIPLEY. I wish it were but it is not.

Mr. YATES. Why have you included the Forrestal Building?

Mr. RIPLEY. Well, because geographically we have to look at it so you are looking at the back of the Forrestal Building.

Mr. YATES. That is not the way you look at it.

Mr. RIPLEY. In scope, no. You have to stand up and go and look at the whole plan really to see where you are. The nearest part to us is Independence Avenue.

Mr. YATES. Let me see the castle.

Mr. RIPLEY. Yes.

Mr. YATES. You don't see the park.

Mr. RIPLEY. The park is there but you have to stand up to see it.

Mr. YATES. Go ahead.

Mr. RIPLEY. We have submitted a legislative proposal to OMB which has been approved and we have an authorization bill for the planning ceiling being raised to \$1 million which we hope to submit shortly to the Congress. We require new authorization for that because of the increase in the amount.

During the past year there has been good progress with our plans and fund raising efforts. On January 8, 1981, a completed design concept was presented to the National Capital Planning Commission and approved. In 1980, as you know, the government of Japan donated money for the new center and from the Republic of South Korea we had a similar contribution of \$1 million only last month. We presently are pursuing other contributions in foreign countries and from corporations and foundations within the United States.

I should say that with regard to the Korean presentation President Reagan expressed special appreciation for this as a significant

contribution from Korea to the Institution when the presentation was made by the President of Korea and stated that the museum will further enhance intercultural understanding and appreciation between the people of America and the peoples of Asia.

In that budgeting the Smithsonian plans to provide some \$9 million towards construction from unrestricted Trust funds with a further reimbursable advance to be paid back over time from endowment funds of about \$6 million for the parking garage. Even with our success to date it is clear that a pledge of support by the Congress consistent with that of the new administration would be a tremendous help to our own fund raising efforts. We are very eager to move ahead with Quadrangle development and planning, and as a joint enterprise between the Federal Government and outside contributors I might remind this committee that the cost to the Federal taxpayer will be significantly less as a result of our efforts especially in view of the considerable benefits to be offered.

SPECIAL FOREIGN CURRENCY PROGRAM REQUEST

That concludes my statement except for mention of the Foreign Currency Program, Mr. Chairman. That is the final appropriations account in our budget request and our request for this year totals \$5.5 million. The proposed funds will be used to continue a program of grants to the United States' institutions for research in countries where excess local currencies are available, mainly India and Pakistan, because of restrictions in so many of the other countries and to add to the forward funded reserve \$3.5 million for India and Pakistan and to add to the forward funded reserve in support of future programs of the AIIS, the American Institute of Indian Studies, \$1 million and to initiate United States support to the international effort organized through UNESCO to restore and preserve the Indus civilization city of Moenjodaro in Pakistan, \$1 million. That parallels other programs that we have attempted to support for the United States with these international efforts which have been coordinated through UNESCO such as the ones in Egypt.

These programs are all more fully explained in the budget document, Mr. Chairman. We will be very happy to respond to your questions and those of the members of the subcommittee.

Mr. YATES. Thank you, Mr. Ripley, for an excellent statement and for an excellent justification.

REVISED SCIENCE REPORT

Looking at the revised summary of your appropriations request, the comparison, between the 1981 approved appropriation of the Carter request and the Reagan budget, shows that the total for science for 1981 was \$41,293,000. Was that approved by the Carter OMB at a level of \$46,507,000 and reduced by the Reagan OMB to \$45,828,000?

Mr. RIPLEY. Yes.

Mr. YATES. Were any of the activities in the science part of the budget hurt by the Reagan reduction?

Mr. RIPLEY. Well, I think that Dr. Challinor can answer that.

Mr. YATES. Are you going to be a good soldier and take them without any damage to your institutions?

Mr. CHALLINOR. The damage primarily, Mr. Chairman, will come from the cut in personnel. We had to give up all new positions in science. We would like now to use some imaginative administration to see how we can carry out these programs without the new positions. That is where the primary hurt will occur.

Mr. YATES. Thank you.

MAJOR ACQUISITION PROGRAM

Let me ask you a question about acquisitions. You requested \$10 million of OMB for so-called special programs and that was eliminated. What was the \$10 million to be used for? I know it would be for acquisitions but what would be the nature of the acquisitions that it was to be used for?

Mr. RIPLEY. I think Mr. Blitzer can answer that very effectively, Mr. Chairman.

Mr. YATES. We will determine that.

Mr. BLITZER. First I might ask with the Committee's permission to submit for the record the statement of this program.

Mr. YATES. That may be received in the record.

[See page 837.]

Mr. BLITZER. It has information about how we planned the program and also some comparative information with the Smithsonian.

Mr. YATES. What were the major acquisitions?

Mr. BLITZER. Well, across the board.

Mr. YATES. Was the \$10 million for acquisitions only for the Museum of History and Art?

Mr. BLITZER. No, every Smithsonian museum, with the possible exception of Air and Space, which so far has the policy of not purchasing.

Mr. YATES. Ten million dollars. How much is available in your current request for acquisition?

FEDERAL ACQUISITIONS BASE

Mr. BLITZER. Federal appropriations in this year's request are \$850,000.

Mr. YATES. Quite a difference.

Mr. BLITZER. For all the Smithsonian's museums.

Mr. YATES. That is quite a difference.

Mr. BLITZER. It makes it impossible for us to buy anything of major importance with appropriated funds.

Mr. YATES. Would you use private funds for acquisitions?

Mr. RIPLEY. We have a quota of private funds as you know, Mr. Chairman.

Mr. YATES. Was that a million dollars?

Mr. HOHENLOHE. A million dollars.

REVISED HISTORY AND ART REQUEST

Mr. YATES. Let's turn now to History and Art. The amount that Congress approved in 1981 was \$18,880,000, the amount approved by the Carter OMB was \$21,465,000. The amount approved by the

Reagan OMB is \$21,154,000. Now where did they hurt you here? You have a \$300,000 reduction from the Carter OMB roughly.

Mr. RIPLEY. The principle here again, as in science, is in positions. We have lost 15 positions in total.

Mr. YATES. What kinds of positions? Were they specified or are you allowed to deduct the positions from any of your activities?

Mr. BLITZER. Two different answers. We were not allowed to ask for the specific new positions that are in the 1982 budget—that in our case, four of those—and then we were told to eliminate eleven positions in the base.

Mr. YATES. What four positions did you want?

Mr. BLITZER. In the budget?

Mr. YATES. Yes.

Mr. BLITZER. In the Carter budget, a conservator for the Freer, a research curator for the Museum of African Art, someone skilled in graphics design for the Cooper Hewitt, and a research assistant for the Joseph Henry papers. Those four were eliminated and then we had to go into the base.

Mr. YATES. Where did you take them from your base?

Mr. BLITZER. One historian from the National Portrait Gallery.

Mr. YATES. Did Mr. Sadik approve of that?

Mr. BLITZER. No. One custodian from the Freer.

Mr. YATES. Did Mr. Lawton approve of that?

Mr. BLITZER. I could give you a general answer for all eleven.

Mr. YATES. Regretfully.

Mr. BLITZER. Yes. In the Museum of American History one conservator, one electrician, one exhibit specialist and one technician in photographic history.

Mr. YATES. Mr. Kennedy is not really hurt by that, is he, in the sense that we are going to get \$1.3 million for your George exhibition. Won't you be able to supply your needs through that?

He shakes his head no.

Mr. BLITZER. Should I go on?

Mr. YATES. Of course you should go on.

Mr. BLITZER. A clerk-typist in the National Museum of American Art, a custodian in the Hirshhorn Museum and three custodians on the staff of the Fine Arts and Portrait Gallery.

Mr. YATES. What does a custodian do?

Mr. BLITZER. Clean the building, take care of the exhibits.

Mr. YATES. All right.

Mr. BLITZER. And of course, Mr. Chairman, we lose the associated funds.

Mr. YATES. Does that mean your museums won't be as clean as they have been in the past?

You shake your head yes. Does that mean yes they will not be?

Mr. BLITZER. Yes, they will not be.

Mr. RIPLEY. Yes, there will be more chewing gum wrappers around.

Mr. YATES. Would you be better off if you contracted that work out?

Mr. RIPLEY. I don't think so. We made studies on contracting with a facility for their services and they usually end up by being somewhat more expensive.

Mr. YATES. Security is also a problem, isn't it?

Mr. RIPLEY. Yes, security is also a problem because even having uniformed people around helps to maintain a kind of level of security.

SCIENCE POSITION REDUCTION

Mr. YATES. Dave, where would you lose your people?

Mr. CHALLINOR. There is a whole list here and I can read it or submit it for the record.

Mr. YATES. Put it in the record.

[The information follows:]

FISCAL YEAR 1982 BUDGET AMENDMENT—SMITHSONIAN SCIENCE ACTIVITIES

The following thirty-two positions were cut from the Science Units as a result of the fiscal year 1982 budget amendment. Nine of the thirty-two were requested as an increase in the fiscal year 1982 budget to Congress. The remaining twenty-three are reductions to the base which will be accomplished through attrition.

National Museum of Natural History: Archeologists, Entomologist, Museum Technician, Custodial Worker, Custodial Worker, Clerk, Clerk-Typist, and Clerk-Typist.

Smithsonian Tropical Research Institute: Diving Safety Officer, Clerk, and Clerk.

National Zoological Park: Gardner, Administrative Services Assistant, Auto Mechanic, Clerk-Typist, Clerk-Typist, Custodial Worker, and Custodial Worker.

Radiation Biology Laboratory: Plant Physiologist, Physical Science Technician, and Biological Laboratory Technician.

National Air and Space Museum: Supervisory Exhibits Specialist, Spacearium Chief, Meteorologist, Curator, Museum Specialist, and Photo Archivist.

Chesapeake Bay Center for Environmental Studies: Computer Programmer.

Smithsonian Astrophysical Observatory: Astrophycist, Astrophycist, Safety Specialist, and Bus-Driver/Mechanic.

PUBLIC SERVICE POSITION REDUCTION

Mr. YATES. What about Public Service? You lost only \$23,000.

Mr. RIPLEY. Yes.

Mr. YATES. Is that for jobs, too?

Mr. RIPLEY. Two positions.

Mr. YATES. Two positions. Which positions did you lose?

Mr. RIPLEY. Two clerk typists, one in the press and one in the Office of the Assistant Secretary for Public Service.

MUSEUM PROGRAMS POSITION REDUCTION

Mr. YATES. Museum Programs, Mr. Perrot, you will receive \$8,895,000 in 1981. You went to the Carter OMB and you received \$10,354,000 and you were cut about \$250,000 by the Reagan OMB.

Mr. RIPLEY. There are 12 positions excised here.

Mr. YATES. All right. Do you want to put those 12 in the record rather than itemize them?

Mr. RIPLEY. Yes.

[The information follows:]

FISCAL YEAR 1982 BUDGET AMENDMENT—SMITHSONIAN MUSEUM PROGRAMS ACTIVITY

The following twelve positions were cut from the Museum Programs Units as a result of the fiscal year 1982 budget amendment. Seven of the twelve were requested as an increase in the fiscal year 1982 budget to Congress. The remaining five are reductions to the base which will be accomplished through attrition.

Office of Museum Programs: Psychologist.

Office of Exhibits Central: Forklift Operator.

Office of the Registrar: Transportatin Specialist.

Conservation Analytical Laboratory: Clerk Typist, Radiographer, Information Officer, Conservation Coordinator, and Conservator.

Smithsonian Institution Libraries: Secretary, and Library Technician.
Traveling Exhibition Service: Exhibition Coordinator, and Education Specialist.

SPECIAL PROGRAMS AND ADMINISTRATION

Mr. YATES. From the Carter OMB you received \$8,806,000 for special programs from the Reagan OMB you will receive \$8,786,000, good to bad.

Mr. RIPLEY. A new American conservative.

Mr. YATES. You received \$8,366,000 in 1981 for administration and that was supposed to go to \$9,876,000 in 1982 and you wound up at \$9,705,000 under OMB. Are those positions lost, too?

Mr. RIPLEY. There were 96 positions.

LOSS OF BASE AND NEW POSITIONS

Mr. YATES. Are you losing present positions or are those losses in forward positions?

Mr. RIPLEY. Mr. Jameson.

Mr. JAMESON. Thirty-six of the 96, Mr. Chairman, are positions that are prospective in the 1982 budget which we are not now seeking. The other 60 are positions presently authorized to the Institution and the presumption is that they are either now filled or would be sometime in 1982.

Mr. YATES. How many of those positions are so important that if the committee were to accept the Reagan budget recommendations you might feel impelled to use your private funds to hire some people?

Mr. JAMESON. There is a quite careful study worked out rational-ly, I think, Mr. Chairman, between the use of our Trust funds for positions and the use of Federal funds for positions and we would not use Trust funds to restore any of these cuts, either the 36 new or the 60 in the base.

POLICY FOR USE OF TRUST AND FEDERAL FUNDS

Mr. YATES. Would you remind me of what that rationale is, Mr. Jameson?

Mr. JAMESON. Yes, sir. If I might also call on Mr. Hohenlohe as he might help. In our Trust funds there are activities that are paid for with either restricted or unrestricted nonappropriated Trust funds We have maintained the employment of our auxiliary activi-ties, for instance, entirely with Trust funds.

Mr. YATES. Give me an example.

Mr. JAMESON. The Magazine, the Exposition Books, the Museum Shops are three examples.

Mr. YATES. You would not want the Federal Government making money.

Mr. JAMESON. Would you repeat that?

Mr. YATES. I say you would not want the Federal Government making money.

Mr. JAMESON. The second general category is in what we call our support and technical service units such as personnel, budget, supply, procurement, libraries and some others. In these units we have maintained a balance of staffing between Federal and nonap-propriated Trust funds that represents the support that these central support units give to the entire Institution, including those activities that are supported from Federal appropriations as well as grants and contracts and Trust fund activity. That balance over the

years has remained approximately 60 Federal-40 trust in those central support units.

There are some activities that have restricted Trust funds. The principal example is the Freer Gallery of Art that uses Trust funds for a significant portion of its program. Thanks to some suggestions from your committee and the Senate committee and thanks to Sam Hughes' report to the Regents several years ago, we now produce and give to you a consolidated budget and in the formulation of that budget we are quite mindful of the areas that we believe to be properly supported with Trust funds and Trust fund employment and Federal funds and Federal employment. Federal employment by and large over the years has gone to maintenance and protection of the physical plant, the basic research programs of the Institution, the core exhibit programs and, as I say, a portion of administrative and technical support.

Mr. YATES. How important are those positions, are they so important that you might be willing to trade off some of your program increases for the people? Is that under consideration at all?

I notice, for example, that the \$1 million from the base program for Restoration and Renovation of Buildings was moved over to the South Quadrangle Development. Can that same kind of thing be done for personnel?

PERSONNEL CEILINGS

Mr. JAMESON. One thing I think we would have to do, and I would stand corrected by our Budget Officer and perhaps others, is to examine the new way OMB is going in fiscal year 1982 to manage employment totals. As you know, sir, for all years through the current years they have managed employment by looking at the end of the fiscal year but in fiscal year 1982 they go to a process of counting the man years or work year equivalents and we have a reduced ceiling. I am not sure that we know at this point enough about how the full time positions relate to the man year equivalents so that I can answer that question very readily at this point.

Jon, would you like to comment?

Mr. YELLIN. Yes. We have an amended request for 3,466 positions and this will translate to 3,225 full time equivalent positions or work years so there is a lapse of over 200 positions. To the extent that positions are added on to the budget request, we would not have a commensurate increase in work years from OMB, making it more difficult for us to remain within the work year ceiling assigned to us by OMB.

Mr. YATES. How many positions are there for the Smithsonian that are not included in that figure? How many positions are supported by your direct and indirect private funds?

Mr. YELLIN. These are all Federal positions.

Mr. YATES. How many are funded out of your other funds?

Mr. RIPLEY. Chris, could you give us that?

It usually runs about two-thirds/one-third.

Mr. HOHENLOHE. Approximately 1100 employees on the Trust fund side, including Federal grant and contract employees.

EFFECT ON REDUCTIONS ON EXHIBITS

Mr. YATES. All your museums, which are among the jewels of Washington, are for the millions of Americans who come here. I think you said 20 million visit your museums and 21 million go to see the exhibits that are shown there. How will the new budget affect your schedule of exhibits? As I understand it, most of your schedules for exhibits for fiscal 1982 are already prepared. Is my impression correct?

Mr. RIPLEY. I would think so because the Smithsonian uses a lot of lead time for planning.

Mr. YATES. That is right. Will the new budget affect those?

Mr. RIPLEY. I don't see exactly that it would because what we are talking about as far as reducing personnel does not really impinge on planning.

Mr. YATES. I switched. I should have said let's look at another point. Personnel does bear on that, does it not?

Mr. RIPLEY. It does bear to a certain extent on maintaining the exhibitions.

Mr. YATES. The amount that is made available for your exhibits still remains, is that what you are saying?

Mr. RIPLEY. Yes.

Mr. YATES. There are no consequences to the total Smithsonian budget other than to personnel, is that correct?

Mr. RIPLEY. Well, I suppose in a broad brush kind of sense.

Mr. YATES. Let's do it step by step then. For exhibits, there is no generating impact?

Mr. RIPLEY. We don't see it specifically.

Mr. HUGHES. For starters, there is a \$10 million acquisition fund.

Mr. YATES. Before you answer I should caution you that Mr. Blitzer has held up his hand.

Mr. HUGHES. Mr. Blitzer.

Mr. YATES. You have a schedule of exhibits. There has been a loss in funding to some extent. That loss in funding is attributable, as I understand it, to loss of positions. Does that loss of positions interfere with the showing of any of your exhibits or the funding of those exhibits?

Mr. BLITZER. I would say absolutely yes.

Mr. YATES. Then you disagree with your boss Mr. Ripley, because as I understand his answer he said he does not think so.

Mr. RIPLEY. Well, it depends how you analyze the particular losses.

Mr. YATES. Let's analyze them.

EXHIBITS PRESENTATION AT THE NATIONAL MUSEUM OF AMERICAN HISTORY

Mr. BLITZER. For example, the Museum of American History will lose an exhibit specialist. If I understand what an exhibit specialist does, that will in some way delay or diminish the exhibit program and that is a loss in the base. For example, I was hoping under the Carter budget to get the graphics specialist connected with the Cooper Hewitt exhibits program.

Mr. YATES. So what will happen now? Will Mrs. Taylor or you contract out for services that that person would have given to the Smithsonian or to you?

Mr. BLITZER. They have for all these years been contracting out for their exhibits.

Mr. YATES. And will they continue to do that?

Mr. BLITZER. Yes, and their judgment and our judgment is that it is an inefficient way to do that.

Mr. YATES. So no money will be gained by the Government as a result of that? What happens? Will we have to increase the Cooper Hewitt base in order to provide funds for the graphic designer? Who will not be there?

Mr. BLITZER. They will feel the squeeze.

Mr. RIPLEY. They will cut out something else.

Mr. YATES. They will cut out something else.

Are you saying they are hurt or not hurt?

Mr. RIPLEY. I am saying that in that respect they are hurt.

Mr. YATES. In that respect they are hurt but overall they will not be. They will continue to operate and the public will see the exhibits. Perhaps they won't see one graphic design or the touch of a graphic designer upon certain exhibits.

Mr. BLITZER. The latter is what they mostly had in mind. The National Museum of Design should set a very high standard, so they will be hurt.

Mr. YATES. How about Mr. Sadik? I understood you to say he protested.

Mr. BLITZER. He didn't like it is what I meant to say.

Mr. YATES. For a historian?

Mr. BLITZER. Yes.

Mr. YATES. Do they have to go to the Library of Congress for their information now?

Mr. BLITZER. That is what the historian did.

Mr. YATES. He went to the Library of Congress.

Well, we better find out what their budget is like.

Mr. BLITZER. These are historians at the Portrait Gallery who spend their time doing research.

Mr. YATES. And what they do is very interesting. The public that looks at their pictures and reads the accompanying descriptions are gratified by what they are able to learn there so it does have meaning, and I am not being flip or superfluous about this. I am trying to find out what the impact is.

Mr. HUGHES. Mr. Chairman.

Mr. YATES. As an old budget officer.

Mr. HUGHES. Old anyway.

Mr. YATES. All right. That is what I emphasized.

APPLICATION OF THE OMB REDUCTION

Mr. HUGHES. It seems to me we have a money management and a personnel management problem which we have tried to cope with as we got the OMB markups. The adjustments we have made we have spread around as widely as at least for the time being we could handle and we have to watch those as we go. The deterioration in services for the Institution as a whole I think is somewhat inevitable. We can make do, we can try and organize ourselves

better, we can mobilize the resources we have but the changes are very difficult to particularize rather than talking about whether it is American history or Mr. Sadik's world or the castle or wherever. There are subtle differences in maintenance, in protective services, in historian services and so on that are very difficult to identify and pinpoint.

Mr. YATES. That is why I asked you the question. This committee has the task of trying to find out how much money to approve for your operation. Occasionally the committee goes over the budget as it did for the museum support building last year because we thought that was a very important function of the Smithsonian that you have to have that building.

What I am trying to find out as I go through this budget with you now is how hurtful are these reductions? Are there any of the reductions that ought to be restored? That is what I am trying to find out. Now you have the task of trying to defend the administration's budget and I have the task of trying to pull it out of you. So far it has not been very successful because Mr. Ripley says you are going to be good soldiers.

Mr. HUGHES. Being a good soldier means accepting, in my perception, a deterioration to some extent reflected in the decline and the numbers of personnel of the services rendered to the public by the Smithsonian. I am assuming they are reasonably efficient and assuming that we have been.

Mr. YATES. I have that impression.

Mr. HUGHES. If that be the assumption, then a decline in the number of personnel below those we sought and indeed below base levels will be reflected in some deterioration of service and it may be very diffuse, it is hard to particularize what is the cost of a loss of a historian. I don't know how you would do that but we thought it was useful.

RESTORATION AND RENOVATION OF BUILDINGS REDUCTION

Mr. YATES. Let's go to the next entry, Restoration and Renovation of Buildings where you lost a million dollars and you are going to keep \$7,500,000. Are you all through with the repairs on the Renwick?

Mr. RIPLEY. No.

Mr. YATES. So that will have to proceed, won't it?

Mr. PEYTON. Yes, sir.

Mr. YATES. Mr. Peyton, what will happen as a result of losing the million dollars?

Mr. PEYTON. We have assessed this on a number of projects, and most of the emphasis is in the facade and terrace area, where we feel that we can afford a stretchout. We will have to ask for this money in fiscal year 1983, so it amounts to a one-year deferral.

Mr. YATES. Will it cost you more in 1983?

Mr. PEYTON. Yes, sir, it will.

Mr. YATES. How much more will it cost?

Mr. PEYTON. In general about 12 percent, because that is what the inflation rate is.

Mr. YATES. So we are gambling on a greater prosperity in 1983 by not paying for it now, right?

Mr. PEYTON. Well, I guess there is an economic theory relating to constant dollars.

Mr. YATES. This is where cost reductions will occur. You will have available \$685,000 which is a reduction of about how much?

Mr. RIPLEY. Seventy thousand dollars.

Mr. YATES. What were you going to use the additional money for, in general improvements, you have an increase of almost \$400,000?

Mr. PEYTON. One of our problems the Institution, as you are well aware, is the constant struggle to identify new space or to get better utilization of what we have. The two items cut in the general category were space studies in the Arts and Industries Building and the basement of the Castle. We want to eke out more usable space in those two buildings.

Mr. YATES. Could you not use the corridor like the Library of Congress?

Mr. PEYTON. In some cases, but we must consider fire and safety regulations.

Mr. YATES. I notice, too, that the American Art/Portrait Gallery Building had a roof replacement this year. We have more trouble with roofs in this town. Then you have to repoint the facade. You are going to repoint the facade for \$175,000 instead of \$200,000. The Arts and Industries building has a bad roof, too, and you are going to spend \$750,000 for the roof and exterior renovation as part of an overall appropriation that was given to you in part from 1977 to 1980. Now the Hirshhorn building resurfaced for \$50,000 which is for the plaza. Is that the area out in front of the building?

Mr. PEYTON. No, sir, it is the paved area underneath the building and extending out to the sides.

Mr. YATES. Where they serve the tea?

Mr. RIPLEY. That general area, yes.

Mr. YATES. I notice there will be a much larger cost in 1983, \$1.7 million for the Renwick Gallery. They eliminated \$250,000 in spite of your generosity, right? I hear you gave them the Renwick Gallery for a lovely party and they cut you, right? Don't give it to them any more.

Mr. PEYTON. This was our decision. They selected the million dollars.

Mr. YATES. I see. Did you call on anybody? Did you call anyone to tell them what OMB was doing to you after what you had done for them?

Mr. PEYTON. No, sir.

Mr. YATES. You did not?

Mr. PEYTON. No, sir.

Mr. YATES. You don't think there is such a thing as *quid pro quo*?

No comment. All right.

You have \$2,055,000 for the facade, roof and terrace repairs. Now will any of this reduction result in any kind of a dangerous condition for the public or to the employees?

Mr. PEYTON. No, sir. Based on our best judgment, we retained all of the funds that we asked for, for fire protection and safety.

Mr. YATES. They didn't cut you on that. They cut electrical renovation though, they cut you back to \$110,000 from \$150,000. You have bad wiring in the castle? What is that about?

Mr. PEYTON. This is in part the removal of some wiring that is no longer needed, that has been superseded by newer circuits; and in the basement, we have quite a jumble of wiring.

Mr. YATES. Shall this committee let you go with your cut or should we put the money back? What would you do if you were sitting on this side of the table?

Mr. PEYTON. I would hope you would approve the \$7.5 million.

Mr. YATES. Why didn't you ask for the other million then?

Mr. PEYTON. Well, as we pointed out in the budget documents, we have an anticipated backlog over a five-year period of approximately \$50 million, so it is a matter of trying to run on the funds available and allocating them where they are most needed.

Mr. YATES. All right. We will try to get you the \$7.5 million.

Now suppose that were to be cut further, what would happen? Suppose it were further reduced by \$100,000; would that jeopardize your program?

Mr. PEYTON. It is possible that it might.

Mr. YATES. I suppose that what all of you are trying to say is that this is bare bones.

Mr. RIPLEY. Yes.

Mr. YATES. Is this a luxurious budget?

Mr. RIPLEY. I would hesitate to describe it as a luxurious budget.

Mr. YATES. Would you describe it as reasonable?

Mr. RIPLEY. I think it is a bit austere, reasonable under the circumstances perhaps.

THE BOARD OF REGENTS

Mr. YATES. Would you furnish the committee with the current list of the Board of Regents? The one we have is dated September 30, 1979. This does not show the regents emeritus, does it?

Mr. RIPLEY. We can supply those for the record also, Mr. Chairman.

Mr. YATES. How many are there? I know of only two. Are there more than two?

Mr. RIPLEY. There are quite a lot.

Mr. YATES. I thought it was a distinctive list. It gets much less distinctive.

Mr. RIPLEY. Fifteen distinguished citizens of the United States now known as regents emeritus.

These are all graduates, aren't they?

[The information follows:]

REGENTS EMERITUS

Honorable George H. Mahon, 1200 N. Nash Street, Apt. 1115, Arlington, Virginia 22209.

Dr. Jerome C. Hunsaker, 10 Louisburg Square, Boston, Massachusetts 02108.

Dr. Crawford H. Greenewalt, Box 2652, Greenville, Delaware 19807.

Honorable J. William Fulbright, Suite 600, 815 Connecticut Avenue, Washington, D.C. 20006.

Honorable Hugh Scott, 3014 Woodland Drive, N.W., Washington, D.C. 20008.

Honorable Thomas J. Watson, Jr., Old Orchard Road, Armonk, New York 10504.

Honorable Robert F. Goheen, Old Orchard Circle, Princeton, New Jersey 08540.

Honorable Sidney R. Yates, U.S. House of Representatives, Washington, D.C. 20515.

Honorable Frank E. Moss, 1111-19th St., N.W., Suite 1000 Washington, D.C. 20036.

Honorable Elford A. Cederberg, Cederberg & Associates, Crilley Exec. Suite 323, 218 N. Lee Street, Alexandria, Virginia 22314.

Hon. Claiborne Pell, United States Senate, Washington, D.C. 20510.

Honorable Lindy (Mrs. Hale) Boggs, U.S. House of Representatives, Washington, D.C. 20515.

Honorable William E. Minshall, 8120 Kerry Lane, Chevy Chase, Maryland 20015.

Dr. Caryl P. Haskins, Suite 600, 2100 M Street, N.W., Washington, D.C. 20037.

Honorable Robert B. Morgan, P.O. Box 397, Lillington, North Carolina 27546.

MEMBERS OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Warren E. Burger, The Chief Justice of the United States, ex officio, Chancellor.

George H. W. Bush, The Vice President of the United States, ex officio.

Henry M. Jackson, Senator from Washington.

Barry Goldwater, Senator from Arizona.

Edward P. Boland, Representative from Massachusetts.

Silvio O. Conte, Representative from Massachusetts.

Norman Y. Mineta, Representative from California.

David C. Acheson, Citizen of the District of Columbia.

Anne L. Armstrong, Citizen of Texas.

J. Paul Austin, Citizen of Georgia.

William G. Bowen, Citizen of New Jersey.

William A. M. Burden, Citizen of New York.

Murray Gell-Mann, Citizen of California.

A. Leon Higginbotham, Jr., Citizen of Pennsylvania.

Carlisle H. Humelsine, Citizen of Virginia.

James E. Webb, Citizen of the District of Columbia.

THE ESTABLISHMENT

Mr. YATES. Now you have what is known as The Establishment: Jimmy Carter, President of the United States; Walter Mondale, Vice President, and so forth. You will be updating that as well?

Mr. RIPLEY. Yes, sir. There is a quality of inevitability about the changes, I am afraid.

CAFETERIA POLICY AT SMITHSONIAN MUSEUMS

Mr. YATES. We have a letter dated 30 December 1980 addressed to me as Chairman from Mr. Leo E. Hollenbeck, Jr. On the same day he wrote a letter to you in which he said:

This past Saturday Kevin and I had to eat our brown bag lunch in the cold while visiting the Mall museum because the Smithsonian makes no provision for brown baggers.

Why don't you make a provision for brown baggers? Can they go into your cafeteria with their brown bag and eat?

Mr. RIPLEY. Mr. Jameson I think got that letter on my behalf.

Mr. JAMESON. It is a troublesome problem but it is one that we need to do some more work on. I have the answer from Mr. Hollenbeck.

Mr. YATES. Do you want to put your answer to Mr. Hollenbeck into the record?

Mr. JAMESON. Yes.

Mr. YATES. I think this record ought to be complete.

[The letter follows:]

SMITHSONIAN INSTITUTION
Washington, D.C., January 6, 1981.

Mr. LEO E. HOLLOWBACK,
Baltimore, Md.

DEAR MR. HOLLOWBACK: Mr. Ripley has asked me to reply to your letter of December 30th regarding your family's unsuccessful effort to eat lunch at the Smithsonian.

Unfortunately, the situation you describe is one in which we cannot see an easy solution. Because of widely differing collections, architecture and programs, each of the Smithsonian museums establishes its own safety and security requirements. In the National Museum of American History (formerly the National Museum of History and Technology), for example, the cafeteria is in a basement location where it is difficult to supervise the transportation of bag lunches from the building entrance to the cafeteria. In the past, incidents have occurred where food was smeared on exhibits or left behind, resulting in damage to the exhibits and the building. As a result, the museum staff decided to prohibit any food or drink from being carried through the building. The only one of our museums on the Mall which accommodates bag lunches is the National Air and Space Museum, where security considerations are somewhat different, and then prior reservations are required.

We are, of course, sympathetic to family, student and other groups who wish to save the expense of buying meals while they tour. But the Institution's restaurants frequently operate at capacity with paying customers who understandably object when they are forced to wait while non-paying persons use the facilities. Our desire is to serve as many of the people who visit the Smithsonian as possible. Given the lack of space and the needs of our millions of visitors each year, the decision we have made seems to us to be the best, even though we realize that it does not satisfy everyone.

I am sorry that you and your son were inconvenienced and I hope that you can return again under more favorable conditions.

Sincerely,

RICHARD GRIESEL,
Business Manager.

THE ESTABLISHMENT

Mr. RIPLEY. Would you be interested in a present version of The Establishment?

Mr. YATES. Sure. How did you happen to get the name The Establishment?

Mr. RIPLEY. That was in the statute.

Mr. YATES. Was it? Do you mean in the 1846 Act?

Mr. RIPLEY. It was not invented by a recent novelist as a derogatory term.

Mr. YATES. In The Establishment the statutory members are the President, the Vice President, and so forth. Well, all right. We will put The Establishment in the record then.

[The information follows:]

THE SMITHSONIAN INSTITUTION

The Smithsonian Institution was created by act of Congress in 1846 in accordance with the terms of the will of James Smithson of England, who in 1826 bequeathed his property to the United States of America "to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men." After receiving the property and accepting the trust, Congress incorporated the Institution in an "establishment," whose statutory members are the President, the Vice President, the Chief Justice, and the heads of the executive departments, and vested responsibility for administering the trust in the Smithsonian Board of Regents.

THE ESTABLISHMENT

Ronald Reagan, President of the United States.
 George H. W. Bush, Vice President of the United States.
 Warren E. Burger, Chief Justice of the United States.
 Alexander M. Haig, Jr., Secretary of State.
 Donald Regan, Secretary of the Treasury.
 Caspar W. Weinberger, Secretary of Defense.
 William French Smith, Attorney General.
 James G. Watt, Secretary of the Interior.
 John R. Block, Secretary of Agriculture.
 Malcolm Baldrige, Secretary of Commerce.
 Raymond J. Donovan, Secretary of Labor.

Richard S. Schweiker, Secretary of Health and Human Services.

Terrel H. Bell, Secretary of Education.

Samuel R. Pierce, Jr., Secretary of Housing and Urban Development.

Andrew L. Lewis, Jr., Secretary of Transportation.

James B. Edwards, Secretary of Energy.

Mr. YATES. I think we can break for lunch now and come back at one thirty.

May I thank you very much for bringing the members of your various—I was going to use the term establishment until then—activities. I am sure that many of them find the proceedings wearing and perhaps even boring. I am glad we met them all and I am sure the committee is. If they want to leave, we have no objection to it; if they want to come back and listen, that is fine, too.

Mr. RIPLEY. We will count on bringing the troops.

Mr. YATES. Thank you very much.

AFTERNOON SESSION

Mr. YATES. Let us put into the record at this point the document entitled A Proposal for a Major Acquisition Fund for the National Museums of the Smithsonian Institution.

[The information follows:]

A PROPOSAL FOR A MAJOR ACQUISITION FUND
FOR THE NATIONAL MUSEUMS
OF THE SMITHSONIAN INSTITUTION

The plan we are proposing here is designed to benefit not so much the Smithsonian Institution as the millions of visitors from every state of the Union who come to the national museums each year -- an estimated 25 million visits this year. These are people who view the national museums as their museums, and the national collections as their collections, and who quite properly take pride in these institutions which they support through their taxes. The Smithsonian, for its part, feels a deep sense of responsibility to insure that the national collections are worthy of their name and that they will continue to be a source of pride and satisfaction to the nation. This sense of responsibility is reflected in the Institution's continuing efforts to raise non-appropriated funds for the support of all its programs, including collections acquisitions, but it also leads us on occasion to inform the Congress of special needs that can only in our judgement be met by a special infusion of appropriated funds.

The Need. The history of the Smithsonian's museums, their status as national museums, and their location in Washington combine to create special problems for them in the area of acquisitions. Many of these problems result simply from the fact that in some fields, and notably in the arts, the Smithsonian for nearly a century was essentially passive and haphazard in its collecting activities. This means that virtually all our museums must now exert a special effort to build up appropriate and representative collections of objects that could have been acquired with relative ease and little expense some generations ago. Unfortunately, the Smithsonian and its museums did not over the years build up the substantial endowment funds that now play such a key role in the acquisition programs of great private museums. The Board of Regents over the past few years has attempted to remedy this situation, and continues to do so, but here again the task of catching up is large and difficult and we can not expect a solution to our problem along these lines for many years to come. Finally, it can not be denied that the status of our museums as the national museums, and their location in Washington, largely deprives them of the sort of community-based local support that is so important to the great private museums of the United States. Indeed, the Institution is sensitive to the problems that might be raised by our competing aggressively for support with private museums in their own localities, and attempts instead through a number of programs to assist and strengthen these museums.

For all these reasons, we feel that it is most appropriate to turn to the Congress for assistance in supplementing our own efforts in the area of major acquisitions.

What is at stake is nothing less than the ability of the Smithsonian's national museums to continue to acquire objects and collections of objects of the greatest importance for the benefit of future generations. In the face of the most extraordinary inflation in the prices of works of art of all kinds -- "primitive" art, decorative arts and photographs no less than fine arts -- and in the face also of apparently unlimited demand for such objects from private collectors and investors here and abroad, as well as private and public museums throughout the world, our national museums can no longer rely solely upon the traditional sources from which their collections have come: private gifts and bequests, modest annual acquisition appropriations for some of our museums, and Smithsonian trust funds.

It is scarcely necessary this year to speak at great length about the pace at which art prices have been rising. The recent sales of a Turner painting for seven million dollars, and of a Van Gogh for five million dollars suffice to make the point; sales of individual works for one or two million dollars, which used to be front page news, no longer even elicit much comment.

Another way of stating the need is simply to mention some objects or collections that have recently been offered to the Smithsonian. These include what is probably the finest collection of African art in private hands in this country; the most important set of murals painted by Thomas Hart Benton; a collection of more than 100 paintings of American Indians by Henry Inman; an unparalleled collection of more than 7,000 portrait photographs and photographic negatives from the era of the Civil War, including many of the most important photographs of Abraham Lincoln and most of the portrait photographs by Matthew Brady; an extremely important sculpture by Gonzales, a figure of great historical and aesthetic importance. The prices asked for these objects and collections range from \$1,250,000 to approximately \$4,000,000; and in several cases these prices would be much higher if they did not represent substantial contributions on the part of the owners.

It should also be noted that in several of the instances mentioned above, our inability to purchase these objects may result in their entering private collections (as did the Turner and the Van Gogh, apparently), while our inability to purchase the collections will in all probability result in their being broken up and sold item-by-item.

What Has the Smithsonian Done? Faced with the need outlined above, the Regents of the Smithsonian voted three years ago to make available \$1,000,000 a year of unrestricted trust funds, for an initial period of five years, for major acquisitions by our museums. In addition, faced with the extraordinary case of the Athenaeum portraits of George and Martha Washington, the Regents appropriated an additional \$1,750,000 over and above the amount provided by the five-year program.

A brochure describing the operation of the Institution's privately-funded program for major acquisitions, and summarizing its results over a two-and-a-half-year period, is attached. We are particularly proud of the fact that, during the period covered by this report, a Smithsonian expenditure of \$3,122,500 produced matching gifts in money and in kind amounting to \$1,166,894.

We are hopeful that economic conditions, including such factors as inflation and the performance of our auxiliary activities, will permit the completion of the first five-year program and its continuation beyond that period. It is unlikely, however, that the Institution will be able to increase the size of this program in the foreseeable future, and thus we face the prospect that what was intended to be a fund for "major" acquisitions will increasingly be limited to acquisitions in the middle range. Nevertheless, the Regents have shown their concern in the most tangible way and can be expected to continue to do so to the extent that resources permit.

How Would the Fund be Administered? We would propose that the major acquisition funds be appropriated without fiscal year limitations. If this were done, we would invite each of our museums to submit proposals, through regular administrative channels, to the Secretary whenever important opportunities arose. Each such proposal would require the endorsement of the museum's director and its board, commission or council; each proposal would describe thoroughly the object or collection and discuss the importance of its acquisition; and each would contain evidence of the appropriateness of the proposed purchase price. Although we do not contemplate a formal allotment of these funds among the participating museums, we would endeavor over

the long run to apportion the funds equitably among the museums.

Depending upon the size of the fund, we would establish a minimum amount for the purchase of a single object or collection in order to insure that this special fund would not be used for the smaller but nevertheless important purchases that are covered by each museum's own appropriation or by Smithsonian trust funds.

Following an initial appropriation, a full report of all acquisitions under the program would be submitted to our appropriations committees annually. As the initial fund became depleted we would request additional appropriations sufficiently far in advance so that an adequate balance could be maintained to meet opportunities as they arise.

In answer to a specific question raised during our hearings, we would recommend that the National Gallery of Art not be included in this program. In view of the fact that the Gallery is administered independently, that it seeks its annual appropriation separately from the Smithsonian, that it raises and manages its own non-appropriated funds, and that it is not subject to the authority of the Secretary or the Board of Regents of the Smithsonian, we believe that the participation of the Gallery in the proposed Smithsonian acquisition program would raise administrative and philosophical issues of inordinate complexity and sensitivity, which would be desired by the Gallery no more than by the Smithsonian.

How Large Would the Fund Be? This is of course the crucial question, although it must be admitted that in a sense any answer is necessarily rather arbitrary. Given current prices, as alluded to above, there is no doubt that we could spend tens of millions of dollars each year on acquisitions of the very greatest appropriateness and importance for the national collections. Since, in a sense, the need is almost limitless, it is probably more useful to consider the situation of the Smithsonian's national museums in comparison with other, similar public and private museums in this country and abroad. The three tables below show this situation quite clearly, based upon the latest information available to us.

TABLE I
Smithsonian Acquisition Expenses FY 1980
 (dollars in thousands)

Museum	Total	Federal Funds	Trust Fund Program	1./ Restricted Endowments
Cooper-Hewitt	\$ 12	0	0	\$ 12
Museum of History and Technology	190	80	100	10
National Portrait Gallery	850	300	550	--
National Collection of Fine Arts	400	200	200	--
Hirshhorn Museum and Sculpture Garden	418	218	200	--
Freer Gallery of Art	400	--	200	200
Museum of Natural History	100	--	100	--
Museum of African Art	50	--	50	--
	\$2,420	\$798	\$1400	\$222

1./ The expenditures under the 5-year Trust Fund program have been prorated to reflect an average year; the extraordinary one-time expenditure for the acquisition of the Stuart Portraits has similarly been prorated on the NPG line.

TABLE II
Acquisition Funds of Selected North American Museums
1977-1979

(dollars in thousands)

Museum	1977	1978	1979
Los Angeles County Museum	\$2,454	\$2,540	\$1,158
Metropolitan Museum of Art	6,737	3,438	3,653
Boston Museum of Fine Arts	2,300	1,700	1,686
Cleveland Museum	2,056	3,669	4,868
Detroit Institute of Arts	N.A.	1,731	2,000
Art Institute of Chicago	1,042	882	1,474
National Museums of Canada	2,642	5,024	1,587

TABLE III

Appropriated Acquisition Funds of British National Museums
FY 1980 and 1981
 (dollars in thousands)

Museum	FY 1980	Purchase Grants Provided FY 1981
British Museum	\$2,435	\$3,610
Science Museum	248	845
Victoria and Albert Museum	2,261	2,689
Imperial War Museum	167	214
National Gallery	6,216	7,399
National Maritime Museum	367	581
National Portrait Gallery	581	693
Tate Gallery	3,001	4,493
National Galleries of Scotland	1,630	2,118
National Museum of Antiquities of Scotland	219	286
Total	\$17,125	\$22,928

As one can see from these tables, all eight Smithsonian national museums together have approximately \$2.4 million dollars to spend each year on acquisitions -- an average, in other words, of approximately \$300,000 per museum. By contrast, leading private museums in this country and national museums abroad tend to spend amounts on the order of \$2 or \$3 million dollars.

In view of these orders of magnitude, and recognizing again that any particular figure is somewhat arbitrary, we would propose the establishment of an appropriated acquisitions fund for all eight Smithsonian national museums at an initial level of \$10,000,000, with the hope that the fund could be maintained at approximately this level by further annual appropriations as expenditures are made each year. We believe that in some years there might be no expenditures under this program, while in others the expenditures might rise as high as perhaps five or six million dollars. This will depend upon the nature, the importance, and the urgency of opportunities that might arise from time to time. Our best guess at the moment is that the average annual expenditure, and thus the average need for additional appropriations after the first year, would be in the range of three to five million dollars.

MAJOR ACQUISITIONS

Mr. YATES. That proposed the \$10 million, didn't it?

It is a very well written proposal and it indicates in it through comparative tables how the Smithsonian acquisition programs for its various museums have fared with respect to other North American museums such as the Los Angeles County Museum, the Metropolitan Museum of Art, the Boston Museum of Fine Arts, the Cleveland Museum, the Detroit Institute of Arts, the Art Institute of Chicago, the National Museums of Canada and also the British museums. It is kind of interesting in that it shows that the British museums with their strengthened economy have had provided for them through purchase grants in fiscal year 1980 the sum of \$17 million plus and in 1981 almost \$23 million whereas all of the eight Smithsonian national museums have approximately \$2.4 million, approximately 10 percent of what the British museums are funded for acquisitions.

Have you ever competed with the British museums for acquisitions by any chance?

Mr. RIPLEY. No, we have not had that much luck.

Mr. YATES. That much luck or that much money?

Mr. RIPLEY. Well, luck and money. I am not equating luck and money.

Mr. YATES. As I understand your competition today, it has been with only the Museum in Boston for the George Washington and Martha Washington portraits.

Mr. RIPLEY. Yes, and we settled very happily.

Mr. YATES. Now that you have that precedent established, are you entering into similar arrangements with any other competitors for acquisitions?

Mr. RIPLEY. I have suggested it in one other case where we both lost to a Britisher and it didn't seem to be a bad precedent to set.

EXAMPLES OF PURCHASES NOT MADE FOR WANT OF FUNDS

Mr. YATES. What did you lose last year that you wanted? Assuming the conclusion that you have in this document, how are you hurt? What is it that you wanted that you were not able to get or to try for?

Mr. RIPLEY. It comes up all the time. I can mention a case of my own.

Mr. YATES. Go ahead.

Mr. RIPLEY. In February of this year a silver cup from 17th Century origin belonging to one of the pilgrim fathers who came over here on the Mayflower came up for public sale and I think Christie was handling it. We were told the evaluation was \$10,000 or \$15,000 on this virtually unique cup, that pieces of this quality are extremely rare, and through the scuttlebutt we found that another institution would be interested in acquiring it so rather than compete in the open market to come and buy it I suggested to the other institution that we share it like the Boston Museum arrangements of the Stuarts and that seemed to be agreeable. Then they backed out feeling they could not raise enough money and it was sold to an English dealer for \$55,000. As a purchaser we valued it from \$10,000 to \$15,000 and \$55,000, of course, was out of our

league, we were not prepared to buy it. That is merely an example of the competition where we lost.

Charles has something to add.

Mr. BLITZER. I could mention a couple of large collections, Mr. Chairman, and then perhaps Mr. Lerner and Mr. Robbins could talk to you more about that.

Mr. YATES. Why don't we bring them up to the table. I think some of our committee members have other committee meetings.

Mr. BLITZER. The Peabody Museum at Harvard is disposing practically at this very moment of 108 portraits by Henry Inman of Indians. It is agreed certainly by Harvard and by the Smithsonian that this would be the ideal place to collect them and make them available to the scholars and to the public. The price was well over a million dollars on the market.

The second one that maybe we mentioned before is an incredible collection of 7,250 Matthew Brady negatives from his studio in the era of the Civil War. The price is in excess of a million dollars. It is hoped that conceivably those might come to the Smithsonian through some tax relief to the estate.

Mr. YATES. What is the value of that?

Mr. BLITZER. About \$1,260,000. It is an incredible collection. As I say, there is some hope through whatever source it might come to us.

DEACCESSION OF ITEMS IN COLLECTIONS

Mr. YATES. Do you ever try to exchange items which are considered to be in oversupply to the Smithsonian for items that would be more desirable as additions to the collection? I was talking to one of the curators at the Met the other night and he said that while Mr. Hoving was criticized for his actions, it nevertheless is common practice for museum dealers to use surplus items as the means for bartering for something they want to get hold of.

Mr. RIPLEY. Not to my knowledge.

Mr. YATES. Why would this be the practice? Are you required to keep what you have?

Mr. RIPLEY. We have a supply of moose heads and caribou carcasses and discarded elk horns.

Mr. YATES. Are you required to keep those?

Mr. RIPLEY. These are government property and we cannot declare them surplus.

Mr. YATES. Should you have legislation permitting you to rid yourself of items that are just taking up space and for which you have no need?

Mr. RIPLEY. Our Women's Committee was very anxious to put on a benefit auction and suggested that maybe there was a moose head or two that might be available.

Mr. YATES. Yes, but do you have the power to do that?

Mr. RIPLEY. No, it was decided that really this was terrible because this is Federal property.

Let's ask the Judge. Judge Powers, what is the power of the Smithsonian on this?

Mr. POWERS. Most of the collections of the Institution came by gifts on which there are no restrictions. We are also empowered to sell or trade the objects which we acquire with Federal funds.

Mr. YATES. You mean objects you acquire with Federal funds are not to be exchanged or sold?

Mr. POWERS. The same rule applies, that we can also dispose of them.

Mr. RIPLEY. In other words, they could be deaccessioned as being surplus to our needs.

Mr. YATES. Depending on what the terms of the gift are. With Federal funds we almost give you carte blanche, we give you the money and you go out and you acquire. I don't remember that we put any strings on it.

Mr. POWERS. In the case of the Hirshhorn, the Hirshhorn board has authority over deaccessions; they have on occasion exchanged a picture.

Mr. YATES. Do you want to tell us about that, Mr. Lerner?

Mr. LERNER. There have been only one or two instances of this. It all depends on the nature of the collection. Our collection, for example, may have three or four works of art dating from the same year that came out of the same accession and in that case one could think of that as being excess. We have been able to do that because our board happens also to have the power of deaccession. We have also been able to buy some on condition that we may dispose of one or two things in a collection which again came out of the same period that is already represented in the collection and we can exchange these for something that we don't have at the moment.

FREER ACQUISITIONS FUNDS

Mr. YATES. What else would you like to tell us, Mr. Lawton?

Mr. LAWTON. We receive no Federal funds for purchases at the Freer.

Mr. YATES. Is that because of Mr. Freer's will?

Mr. LAWTON. No. We have asked for purchase funds but they were cut out of our budget request.

Mr. YATES. Why is that? Doesn't Mr. Ripley like you?

Mr. RIPLEY. We like to be mean to them.

Mr. LAWTON. I think OMB does it.

Mr. YATES. What happened over the last four or five years, have you received funds for acquisition?

Mr. LAWTON. Not Federal funds, from the Freer bequest.

Mr. YATES. Why are you barred from using the Federal funds that we make available to the Smithsonian?

Mr. BLITZER. The funds are identified by museum. We have not asked most recently because the OMB didn't allow us to ask for acquisition funds. We don't transfer between or among the museums. I believe there was \$100,000 in the budget submitted to OMB for 1982. That was the Carter OMB, not the Reagan OMB.

Mr. LAWTON. The funds that we do use that come from the Freer bequest are subject to the terms of the Freer bequest.

Mr. YATES. What is the story of your administration as far as acquisitions are concerned? Obviously, you are looking for improvement of your collection.

Mr. LAWTON. We are.

Mr. YATES. Occasionally a dealer will come in and talk to you and say, "I have this available," or you see a list in Christie's

catalog. What happens then, do you just yearn for it or do you try to buy it?

Mr. LAWTON. We are able to spend between \$200,000 and \$250,000 from our income for the purchase of objects.

Mr. YATES. If you don't buy anything in a particular year, does that amount of money lapse or does it accumulate for the next year?

Mr. LAWTON. It can accumulate. Usually we expend at least that much money.

Mr. YATES. How much is made available to you annually from private funds for the acquisitions?

Mr. LAWTON. In effect, after we have paid our bills, we use the money that is available for purchases. That is really what our acquisition fund is at the Freer Gallery, and it usually comes out to around, as I say, \$200,000 or \$250,000.

Mr. YATES. Well, under that kind of an arrangement you have great incentives to operate your museum quite economically then, don't you?

Mr. LAWTON. Well, we are forced to operate very economically.

Mr. YATES. In other words, it all depends on how much you want for acquisitions, doesn't it?

Mr. LAWTON. Yes.

Mr. YATES. Is that true of the other museums, too?

Mr. RIPLEY. No, because they have a specific endowment income which can be applied at will by their administration for purchases or whatever but the other museums do not. The fact is pointed out in our presentation here that a vase which might have been worth \$1,500 a few years ago is now worth \$70,000 on the market and they simply don't have enough money under any terms accumulatively for the whole lot and caboodle of it, don't have enough money to be able to afford to buy these things.

Mr. YATES. Suppose he has this vase that he wants to buy to improve his collection and he does not have enough money. Does he come to see you or does he just let it go?

Mr. RIPLEY. Both. Sometimes he will come to see me and say, how can we possibly raise the money? We have a Freer Committee, and they may try to meet and see if they can raise some funds outside for this extraordinary purchase.

Mr. YATES. Do you mean the Freer has an organization?

Mr. RIPLEY. They have a Visiting Committee.

Mr. YATES. A Visiting Committee? Visiting from where?

Mr. RIPLEY. Well, visiting from next door. There are other places such as universities where a regular kind of a committee such as this would have this special interest. Then failing all else, he might possibly go into hock; that is, say to the dealer, I will pay you in installments into next year and so on provided the dealer would agree. Sometimes the dealer is very tough and says no because he can sell it to a Japanese museum or somebody else, so it is on an ad hoc basis pretty much.

Wouldn't that be fair to say, Tom?

Mr. LAWTON. Yes.

Mr. YATES. Should we on this side of the table feel sorry for you because of the fact that we have not made more money or can't make more money available to you? I notice that the Museum of

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American

Natural History in 1981 had \$80,000 and in 1982 had \$80,000 for acquisitions and that the Museum of American Art had \$282,000 in 1981 and \$215,000 in 1982. What can you buy with that today?

The National Portrait Gallery got more than the Museum of American Art, Hirshhorn got \$233,000 and \$249,000 in 1981 and 1982. The Museum of African Art is a lowly receiver of \$30,000 each year. Why have you not worked that up yet?

Mr. ROBBINS. We are working on it.

Mr. YATES. All right.

I suppose the committee should know how much more is available out of other funds for acquisitions. As I say, Freer had \$200,000 or \$250,000 for the purpose annually, I assume.

Mr. LAWTON. Yes, that is true, Mr. Chairman.

Mr. YATES. And you use that each year?

Mr. LAWTON. We use that.

Mr. YATES. You are not allowed by the bequest of Mr. Freer to dispose of any of your holdings.

Mr. LAWTON. We may not.

Mr. YATES. Is that same admonishment true with respect to acquisitions that you buy currently?

Mr. LAWTON. It is, yes.

Mr. YATES. Once it becomes a part of your inventory is it frozen as a part of your inventory?

Mr. LAWTON. It is.

Mr. YATES. Have you missed the opportunity to accession an item because you have not had funds to acquire it that you thought you should have?

Mr. LAWTON. Repeatedly.

Mr. YATES. Can you give us examples?

Mr. LAWTON. Approximately a year ago we were offered several extremely fine examples of Chinese calligraphy and this is the time when we are very interested in calligraphy, there is competition on the market.

Mr. YATES. Ancient or current?

Mr. LAWTON. Ming dynasty, 17th Century samples. We just didn't have the money, and subsequently an American museum purchased it. If we had had the funds, we would have acquired it.

Mr. YATES. What about the People's Republic of China, do they have items that you want for sale, or do they not sell?

Mr. LAWTON. They have very strict regulations governing objects that may leave the country, and they are strictly enforced; art objects over 100 or 120 years old simply do not leave.

Mr. YATES. We usually do not want an art object that is not 100 years old.

Mr. LAWTON. Usually we would not.

Mr. YATES. Is there anything else you want to tell us about your problems in that position or other problems? What other problems do you have other than the fact that you don't have enough custodians?

ORIENTAL PAINTING RESTORER

Mr. LAWTON. Well, one particular instance was discussed a little bit earlier this morning. We asked in the budget for an oriental conservator, and this is the person for the studio which I think you

know is where we care for paintings. That person's job was removed from our request, and that is a very serious restriction.

Mr. YATES. How is that work done now?

Mr. LAWTON. We normally would have two, sometimes three such conservators. We have one person at the moment doing the work. There are occasions when the work requires two people, just physically requires that two people should be there to do it.

Mr. YATES. Is there enough money for your marvelous restoration workshop in your budget? What is the name of your Japanese person?

Mr. LAWTON. This is the studio I am discussing.

Mr. YATES. What do you call him?

Mr. LAWTON. An oriental painting restorer. It is an awkward English name.

Mr. YATES. How much money is involved in that?

Mr. LAWTON. We have a request for \$42,000.

Mr. YATES. Is that the salary of an expert restorer?

Mr. LAWTON. Yes, it is.

Mr. YATES. Well, you have such a marvelous—I call it a repair shop.

Mr. LAWTON. High class.

Mr. YATES. Your restoring area.

Mr. LAWTON. Yes.

Mr. YATES. What is the name of that Japanese person who is the head of that?

Mr. LAWTON. We used to have Mr. Sugiura who is retired.

Mr. YATES. But who is there now, who is the young man?

Mr. LAWTON. A young man named Nishiumi who was trained in Japan and has been with us for approximately four years.

Mr. YATES. And he needs help?

Mr. LAWTON. He certainly does.

Mr. YATES. If help were available and you had the money, could you find the help?

Mr. LAWTON. We could in Japan. There is no one in the United States who is adequately trained to do this work.

Mr. YATES. Would you have to import somebody?

Mr. LAWTON. We would.

Mr. YATES. Does the Labor Department let you do that?

Mr. LAWTON. After great negotiations they will let us do it.

Mr. YATES. And you want \$42,000 for that purpose?

Mr. LAWTON. Yes, sir.

Mr. YATES. Is Nishiumi by himself?

Mr. LAWTON. Yes.

Mr. YATES. What does Nishiumi mean?

Mr. LAWTON. It means West Sea.

Mr. YATES. West Sea. I can understand that. Now that makes an impression upon me because I have seen your restoring studio and I know what marvelous work is being done there.

Are such experts available in Japan?

Mr. LAWTON. They are, sir, yes.

Mr. YATES. Are they considered national treasures or will Japan release one?

Mr. LAWTON. There are men who are in their mid-forties who are not in the national treasure category who I think would be willing to come to the Freer to do this work.

Mr. YATES. Are there any in this country whom you might swipe from some other museum?

Mr. LAWTON. The only people are with museums. The Met in New York has two people and in the Museum of Fine Arts in Boston there is one person, but the museum directors would assault me physically if I tried to take these people away from them.

Mr. YATES. Well, we would not want that.

What other problems do you have?

Mr. LAWTON. I think those are the two major problems.

Mr. YATES. All right.

HIRSHHORN MUSEUM ACQUISITIONS

Mr. Lerner, what problems do you have? Let's go with acquisitions and other problems. I know you have problems with the surface of your plaza but that is a minor problem and that is being taken care of.

Mr. LERNER. Works of art we would like to have?

Mr. YATES. Yes. Give us an example.

Mr. LERNER. We had the possibility of acquiring a Julio Gonzalez sculpture.

Mr. YATES. Do you mean the Woman Combing Her Hair? You were competing with Carter Brown.

Mr. LERNER. Neither of us got it.

Mr. YATES. Because they wanted \$900,000 for it.

Mr. LERNER. One million five hundred thousand dollars.

Mr. YATES. It went up. Who got it, incidentally?

Mr. LERNER. No one.

Mr. YATES. It is still for sale at \$1.5 million?

Mr. LERNER. It is no longer at the National Gallery.

We had an opportunity a year ago to get a very beautiful Brancusi Bird for \$1 million but the money was not available and we didn't get it.

Mr. YATES. Are those prices market prices?

Mr. LERNER. Yes, the market price.

Mr. YATES. They don't give you a discount?

Mr. LERNER. The Brancusi was acquired by another dealer, as a matter of fact, for somewhere around \$1 million. He is probably now asking around \$2 million for it.

Mr. YATES. Brancusi Birds are hard to come by, aren't they?

Mr. LERNER. No, not necessarily more difficult than other Brancusis.

Mr. YATES. Was it a bronze?

Mr. LERNER. No, it was a marble.

Mr. YATES. A Bird in Flight.

Mr. LERNER. It had historical value as well.

INCREASES IN ART PRICES

We had an opportunity to acquire 10 Thomas Benton mural paintings which I think constitute the major works of his life time. They wanted \$2 million for those and of course we didn't have the

money. The price of a Benton since we got involved in this has simply risen to a staggering high so that within a few years such Bentons will become unapproachable and an ordinary Benton painting will not be available for less than \$100,000 or \$200,000.

Mr. YATES. Almost like a De Kooning.

Mr. LERNER. I was looking at our records the other day and a De Kooning that we had valued at \$35,000 when the collection was given in 1966, is now somewhere around \$150,000 to \$200,000. There has been a general, approximately 20 percent, rise every year on certain works of art. That is not true of everything of course, but artists with a reputation, even younger ones, whom a few years back when you were collecting yourself, you could buy for about \$1,200.

Mr. YATES. No, I could not.

Mr. LERNER. You mean you could not afford it?

Mr. YATES. Yes.

Mr. LERNER. For \$1,500 one could get a fairly well-known young artist. You don't get a young artist now for less than \$10,000 or \$15,000. We bought a young artist named Rackstraw Downes and we had to pay \$12,000 for a picture that two years ago would have sold for \$8,000. He is a very young, but relatively well-known artist. The prices have been staggering, but what we get in the way of acquisition funds has enabled us to buy some good works of art, there is no question about it.

Mr. YATES. I know Mr. Hirshhorn bought almost everything in volume.

Mr. LERNER. No, that's an exaggeration.

Mr. YATES. Do you have Jackson Pollock, the big ones?

Mr. LERNER. We have one which is not very large. Those are difficult to come by. We have no great big ones. Primarily we have been interested in building the collection and buying competitively. Something like the Bentons would have been astonishing and marvelous.

COOPERATION WITH THE NATIONAL GALLERY

Mr. YATES. Do you cooperate at all with the National Gallery in an acquisition program of shared rentals or ownership?

Why are you laughing? The National Galley is part of the Smithsonian.

Mr. HUGHES. Yes, sir.

Mr. LERNER. They do consult us on exhibitions and on acquisitions. For example, they are very careful not to buy another cast of a piece that may exist in our collection.

Mr. YATES. I will ask Carter Brown about it when he comes before us. Would you be interested in sharing with them?

Mr. LERNER. Why not?

Mr. YATES. One question deserves another question.

ACQUISITIONS AT THE MUSEUM OF AFRICAN ART

Warren, you are on the verge of getting 12 major collections—two anyway.

Mr. ROBBINS. The value of African art has sky-rocketed during the last decade or so, increasing in some cases ten-fold or more.

This has made some people who don't necessarily have a lot of money but who have purchased wisely and steadily what I call "wooden millionaires." There are others who are wealthy people but who are not able to give their collections away. Therefore, what has developed in recent years is a plan whereby people will give half of their collection to a museum and sell the other half (so that they can leave the money to their grandchildren).

With the limited funds we have—private funds that were mentioned this morning plus possible federal appropriations—we would prefer not to dissipate these funds by buying on the open market but rather, save them up for a few years and buy half of a whole collection. For a million and a half dollars we could buy not just one piece of modern art but gain a whole collection of African art.

Today we cannot compete in quality of collection with the Metropolitan, the British Museum, the Musee de l'Homme in Paris or museum collections in Switzerland or Berlin, but any one of these private collections I have referred to and certainly several of them in combination if they came to us as bequests or were partly purchased could make our own collection one of the principal ones in the world, and that is our goal.

FUNDING LEVEL FOR MAJOR ACQUISITIONS

Mr. YATES. Well, what is a reasonable acquisition cost? Is \$10 million a reasonable acquisition fund in accordance with your memorandum?

Mr. BLITZER. As the memorandum says, Mr. Chairman, it is hard to estimate that. The demand in a sense is almost unlimited. We came up with that figure by looking at what other comparable institutions had. What we have proposed in this paper was not an annual \$10 million appropriation, but rather an initial appropriation of \$10 million without a fiscal year limit and then the replenishment as we spent money. We guessed somewhere in the range of three to five million yearly in expenditures.

Mr. YATES. You have beneficiaries and you have corporations who aid you and you have other kinds of gifts that come to you. You go out for gifts. Do you put gifts that you receive into your non-Federal fund budget and classify it as income?

Mr. RIPLEY. You mean in monetary terms?

Mr. YATES. Yes.

Mr. RIPLEY. Yes.

TANGIBLE GIFTS BOOKKEEPING

Mr. YATES. I don't mean financial terms. What method of bookkeeping do you maintain on tangible gifts? For example, when Mr. Kennedy acquires Archie Bunker's chair, how is that listed in your accounts?

Mr. RIPLEY. Well, it has some kind of an appraisal. I have no idea in this case but then it is listed as an object acquired and applied to the collection. I don't know specifically.

Mr. YATES. Is it listed in the account as a certain value?

Mr. HOHENLOHE. Mr. Chairman, it is not carried on our books as a financial asset, it is part of the inventory of the collection.

Mr. RIPLEY. The person that gives it may acquire some tax relief, let's say, by giving it but that has nothing to do with us.

Mr. YATES. We do know values to some extent about the Hirshhorn. I know the thick book that Mr. Blitzer carried with him when the question of the Hirshhorn Museum came up and that established certain values for Mr. Hirshhorn's collection at that time.

Mr. RIPLEY. He put it into his foundation so he acquired no benefit directly. He was accused of having acquired a benefit.

Mr. YATES. I did not bring it up for that purpose. I meant to show that you did know what certain values were at a certain time.

Mr. RIPLEY. We had outside appraisers appraise it.

Mr. YATES. Do you do that at all for any of your other assets or do you just list your assets as assets? Do you know what the value is of your gem collection, for example?

Mr. RIPLEY. Of course it has a floating value. We do have periods, for example, I can recall within the past four or five years when we had an appraisal made of our holdings in silver and in pewter, American pewter.

Mr. YATES. Do you have an insurance program of any kind?

Mr. RIPLEY. No, because it is reimbursable by the Government.

VALUE OF THE NATIONAL COLLECTIONS

Mr. YATES. Would it serve any kind of a useful purpose for you to know what your assets are as you make your inventory? What shall we tell the Members of Congress who complain about the amount of money that is made available for taking care of the Nation's attic, and your museums, which are being cut in maintenance and are being cut in security and so forth? Shall we tell them that the value of the objects that you have is not measurable, that the values are so huge that there is nobody who could possibly appraise them?

Mr. RIPLEY. In effect that is about where you are with one of a kind objects. Who is to value the flag that flew over Fort McHenry? Who is to value the desk on which Jefferson wrote the Declaration of Independence? It is a one of a kind item. Who is to value General Washington's uniform or his false teeth for that matter? These are intangible national treasures.

Mr. YATES. This raises a very interesting question and Mr. Conte would like to know the answer and Mr. Murtha would like to know the answer so when they argue for the Smithsonian appropriations on the floor they will be able to help all of us out. Do you have a list of what is in your collections? We know what we see in museums, for example, but I didn't know you had Thomas Jefferson's desk on which he wrote the Declaration of Independence. It seems to me that at such time as this committee comes to the floor with a bill and tries to sustain an appropriation that we ought to be able to tell the Members of the House and the Congress what it is that the people of the United States own in these museums and that it is to the best interests of the people of the United States that appropriate measures be taken to protect their property interests of this kind. Of course it is one of the reasons you are taking the inventory, and that is to find out everything that you have. But the

individual items, the gems that you have, I think are incalculably valuable.

Mr. RIPLEY. Yes.

Mr. YATES. The historical objects and the stamps and the coins and everything else are so very valuable. I think it would be good, unless this is an invitation to the kind of pilfering that we found taking place, and that we have to worry about, but not with the security measures that you have.

Mr. RIPLEY. I think it is something we should never stop worrying about.

Mr. YATES. It is the kind of information we ought to know so we can inform the Congress. We would appreciate whatever you can give us in that respect. I am sure the Regents would like that, Mr. Conte. I think that is valuable, don't you?

Mr. CONTE. Yes.

Mr. YATES. Did you want to ask any questions as a Regent and as a member of the full Appropriations Committee?

Mr. CONTE. No. I appreciate being here for this short period of time.

Mr. YATES. I know, you have to float around.

FIVE-YEAR PROSPECTUS

Mr. CONTE. As I looked at the budget and studied it, everything considered, Mr. Secretary, I think the Smithsonian has done fairly well in this latest budget. As a Regent and a Member of Congress I have been very, very impressed with the efforts of the Smithsonian who developed this five-year perspectus plan for a very orderly growth and development and maintenance of the Smithsonian programs and its facilities. It has been so successful in improving internal planning and management decisions and communications with OMB and the Congress that the Smithsonian plans to expand the perspectus to include eight or ten years. I wonder if you could take just a few minutes of your time maybe at this point to explain the impact of the revised fiscal year 1982 budget request on the five-year perspectus.

IMPACT OF REVISED FISCAL YEAR 1982 BUDGET ON SUCCEEDING YEARS

Mr. RIPLEY. I would be very happy to.

John Jameson is in charge of putting together this five-year perspectus and could talk about it. I have urged that we extend it to an eight-year period or a little longer because it is so effective in its own way.

Mr. YATES. And I think that the administration would appreciate our not destroying the five-year plan.

Mr. RIPLEY. That is why we called it the five-year perspectus because we didn't like the connotation of a five-year plan.

Mr. JAMESON. The most immediate and major impact will be, Mr. Conte, to revise the plan to show the effect of the new administration's budget on the Quadrangle. As you know from the materials that we have submitted, the OMB has agreed to allow us to seek a million dollars for planning in the fiscal year 1982 budget with the

expectation on our part that this planning money would enable us to come back in fiscal year 1983 for the construction appropriation.

I think the other major impact would be the need to take stock of our manpower requirements since the other major change to our budget is the reduction of some 96 positions in 1982, 36 new positions and 60 positions from the base. As we talked about a bit this morning, this will have some effect throughout the Institution in terms of curatorial work, exhibit preparation work, guarding, security. So in the revision of the prospectus that we will be starting very shortly this spring in connection with the formulation of the next round of budgets we will take stock of manpower and see what changes we have to make to either current work or plans that are articulated in the five-year prospectus.

Mr. CONTE. I think you are doing one of the finest jobs in Government of an agency, it is thought out for the future and it makes a lot of sense.

Mr. YATES. Thank you, Mr. Conte.

INCIDENTS OF VANDALISM

On the problems of our museums, are there any other problems? Do you have problems with vandalism or problems with theft? Have any of your things been stolen or broken?

Mr. ROBBINS. No problems.

Mr. YATES. You are finding that people like to walk along and touch the sculptures.

Mr. CONTE. Mr. Chairman. Do you ever have any slashing of paintings like we had here at the Capitol?

Mr. ROBBINS. None.

Mr. RIPLEY. The Freer had some as we talked about in the past with the impression made with things like chalk by presumably school children on a scroll painting of silk. So in all the months that it takes to bring that back into a flat perspective again we removed the effect of just a casual dastardly attack and that is a very strong, important argument in favor of this conservation laboratory at Freer which is so much a part of its normal operations and which is deprived now by the loss of one staff appointment as recommended.

I think that it is a very serious question that you raise, Mr. Chairman, about the value of these collections we have now and I think you feel that perhaps we are sort of fumbling in trying to give you an answer.

Mr. YATES. No.

Mr. RIPLEY. We try.

Mr. YATES. I can appreciate the impossibility of keeping a current valuation of your assets.

Mr. RIPLEY. Values change.

Mr. YATES. Yes, and that is why you can't do it.

Mr. RIPLEY. A rather curistic, auditory approach to it by one of my colleagues.

Mr. YATES. Some President may come along and want you to sell a few things to pay off the national debt.

Mr. RIPLEY. Well, we could certainly produce a few billion dollars.

Mr. YATES. Much more than that.

Mr. RIPLEY. The collections represent an investment by the U.S. in its own history and education and the estimate of that investment is at least a ball park attempt to answer your question.

EFFECTS OF POSITION REDUCTIONS

Mr. YATES. All right.

Mr. CONTE. Mr. Chairman.

Mr. YATES. Mr. Conte.

Mr. CONTE. The original Carter budget proposed 36 new positions and all of these would be eliminated as I understand it in the Reagan budget, and also I understand the Smithsonian will have to eliminate 60 positions from its base, is that right?

Mr. RIPLEY. Yes.

Mr. CONTE. How are you going to handle this?

Mr. RIPLEY. It is going to present a big problem.

Mr. CONTE. Can you tell us what you think the impact would be?

Mr. RIPLEY. Yes, I believe we can.

John, can you or Chris answer that?

Mr. JAMESON. We went at the task of cutting 60 positions by asking each Assistant Secretary to work with his units to determine which positions those should be. In effect, they touch every organization unit of the Institution. They range from custodial people, people that we need to clean our buildings, guards to protect our collections, our buildings, and our visitors up to the professional level positions at the curatorial level both in science and history and art. The impact will be that work will simply not get done in those areas in fiscal year 1982. I think we tried to allocate the 60 as widely as we could so that no particular organization would be hit unduly hard by the reduction. As you know, from our organization chart we have about 60 line items in our budget. Almost every organization unit has taken some reduction, either by not being allowed to ask for one or more of the 36 new positions in 1982 or by taking a portion of the cut of 60. Some units will take both as it happened.

Mr. YATES. May I follow up on that question, Mr. Conte?

Mr. CONTE. Yes.

Mr. YATES. You have a requirement from OMB to reduce your personnel request and your personnel by a certain amount. I am impressed by Mr. Lawton's request for his restorer. Can Mr. Lawton get his restorer by eliminating some other job? Are you allowed to do that under your rules and regulations?

Mr. JAMESON. Yes.

Mr. YATES. Is it just sheer numbers that OMB is interested in?

Mr. JAMESON. OMB is interested in sheer numbers.

Mr. YATES. So a unique position, and I consider that position a very unique one nevertheless can be acquired within the imprimatur of OMB by not hiring a custodian?

Mr. LAWTON. Yes, that is possible.

Mr. YATES. Something is wrong with rules like that.

Mr. HUGHES. I don't think there is anything wrong with the rule, there is something wrong with the result. It is a better rule than if you said you must cut the restorer, it seems to me.

Mr. YATES. Yes. It gives them some flexibility and that is fine but it seems to me that a position like a restorer, a unique restorer,

the kind that we don't even have in this country, should occupy a position outside of funding and limitation of personnel limitation.

Mr. HUGHES. We feel that way about the whole Institution.

Mr. YATES. Well, I guess we are unique in this. I think it is a great Institution, too, but certainly there are jobs there that are not that replaceable.

Mr. HUGHES. We had some discussion earlier that we have a personnel and a management job to do. If we face up to the OMB action, we have 96 jobs to lose in some fashion. We have tried to spread the pain around and in the process of doing that if we had done it wisely we would have minimized the pain somewhat and we have also diffused them, spread it around in a way which makes it very difficult for us to scream loud and clear that the Institution is about to collapse.

Mr. Ripley said we are trying to work on the good soldier side of this thing but we must face up to the fact that if we had the respectable budget that we submitted, and we think we did, that the loss of those 96 people is very difficult to measure and evaluate but nonetheless a clear reduction in the services that we can render to the public, whether we are talking about the restorer or the historian that somebody was after or the custodians or the protection people we lost. All of those add up to pain in somebody's institution, in somebody's museum or the Institution as a whole.

Mr. CONTE. Do you think you could send up for the record where these pains will take place?

Mr. HUGHES. Yes, I believe I can do that.

[The information follows:]

SALARIES AND EXPENSES FY 1982 BUDGET AMENDMENT

(\$1,000's)

<u>Science</u>	<u>Item</u>	<u>Amount of Reduction</u>
<u>National Museum of Natural History</u>		
	-1 Archeologist	\$ -25
	-1 Entomologist	-25
	-1 Museum Technician	-13
	-2 Custodial Worker	-23
	-1 Clerk	-12
	-2 Clerk-Typist	-24
	Necessary Pay	-18
<u>Smithsonian Tropical Research Institute</u>		
	-1 Diving Safety Officer	-15
	-2 Clerks	-22
	Necessary Pay	-3
<u>National Zoological Park</u>		
	-1 Gardener	-19
	-1 Administrative Assistant	-22
	-1 Auto Mechanic	-15
	-2 Clerk Typist	-26
	-2 Custodial Worker	-25
	Necessary Pay	-14
<u>Radiation Biology Laboratory</u>		
	-1 Plant Physiologist	-30
	-1 Physical Science Technician	-20
	-1 Biology Laboratory Technician	-12
	Necessary Pay	-2
<u>National Air and Space Museum</u>		
	-1 Supervisory Exhibits Specialist	-22
	-1 Spacearium Chief	-22
	-1 Meteorologist	-22
	-1 Curator	-22
	-1 Museum Specialist	-18
	-1 Photo Archivist	-18
	Necessary Pay	-18
<u>Chesapeake Bay Center for Environmental Studies</u>		
	-1 Computer Programmer	-23
<u>Smithsonian Astrophysical Observatory</u>		
	-2 Astrophysicist	-99
	-1 Safety Specialist	-33
	-1 Bus Driver/Mechanic	-17
Total, Science	-32	\$-679

SALARIES AND EXPENSES FY 1982 BUDGET AMENDMENT

(\$1,000's)

Item	Amount of Reduction
<u>History and Art</u>	
<u>National Portrait Gallery</u>	
-1 Historian	\$ -25
-1 Custodian	-12
Necessary Pay	-6
<u>Freer Gallery of Art</u>	
-1 Conservator	-42
-1 Custodian	-12
Necessary Pay	-2
<u>National Museum of American History</u>	
-1 Conservator	-25
-1 Electrician	-20
-1 Exhibit Specialist	-20
-1 Photo History Technician	-13
Necessary Pay	-11
<u>National Museum of American Art</u>	
-1 Clerk Typist	-12
-2 Custodian	-22
Necessary Pay	-5
<u>Hirshhorn</u>	
-1 Custodian	-11
Necessary Pay	-1
<u>Museum of African Art</u>	
-1 Research Curator	-27
<u>Cooper-Hewitt</u>	
-1 Graphics Designer	-25
<u>Joseph Henry Papers</u>	
-1 Research Assistant	-20
Total, History and Art	<u>-15</u>
	<u>\$-311</u>
<u>Public Service</u>	
<u>Assistant Secretary</u>	
-1 Clerk Typist	-10
Necessary Pay	-2
<u>Smithsonian Press</u>	
-1 Clerk Typist	-11
Total, Public Service	<u>-2</u>
	<u>\$-23</u>

SALARIES AND EXPENSES FY 1982 BUDGET AMENDMENT

(\$1,000's)

	Item	Amount of Reduction
<u>Museum Programs</u>		
<u>Office of Museum Programs</u>	-1 Psychologist Necessary Pay	\$ -27 -4
<u>Exhibits Central</u>	-1 Forklift Operator Necessary Pay	-19 -3
<u>Office of Registrar</u>	-1 Transportation Specialist	-19
<u>Conservation Analytical Laboratory</u>	-1 Clerk Typist -1 Radiographer -1 Information Officer -1 Conservator -1 Conservation Coordinator Necessary Pay	-11 -11 -8 -8 -8 -2
<u>Smithsonian Libraries</u>	-1 Secretary -1 Library Techician Necessary Pay	-12 -11 -3
<u>Smithsonian Institution Traveling Exhibition Service</u>	-1 Exhibition Coordinator -1 Education Specialist	-21 -21
Total, Museum Programs	-12	\$-188
<u>Special Programs</u>		
<u>Native American Program</u>	-1 Conservator	<u>\$-20</u>
Total, Special Programs	-1	\$-20

SALARIES AND EXPENSES FY 1982 BUDGET AMENDMENT

(\$1,000's)

	Item	Amount of Reduction
<u>Facilities Services</u>		
<u>Protection Services</u>		
	-2 Security Specialist	\$ -34
	-13 Guards	-161
	-1 Clerk Typist	-11
	Necessary Pay	-13
<u>Office of Plant Services</u>		
	-1 Transportation Specialist	-27
	-1 Plumber	-21
	-1 Supply Techician	-20
	-1 Painter	-20
	-1 Warehouseman	-17
	-1 Mail Clerk	-11
	-3 Custodial Laborer	-37
	Necessary Pay	-17
<u>Office of Design and Construction</u>		
	-1 Architect/Engineer	-40
	-1 Engineer/Estimator	-20
	+1 Deputy Director	<u>+41</u>
Total, Facilities Services	-26	\$ -408
<u>Administration</u>		
	-1 Budget Analyst	-20
	-1 Clerk Typist	-11
	-2 Personnel Management Specialist	-75
	-1 Secretary	-15
	-1 Computer Specialist	-19
	-1 Supply Clerk	-11
	-1 Cataloguer	-12
	Necessary Pay	-8
Total, Administration	-8	\$ -171
GRAND TOTAL, Smithsonian	<u>-96</u>	<u>\$1,800</u>

PANDAS AT THE NATIONAL ZOOLOGICAL PARK

Mr. CONTE. On the lighter side, Mr. Chairman, would you get a report from Mr. Reed on how the panda is making out?

Mr. YATES. I got a report from Mr. Reed that Chia-Chia is sleeping in. Now I don't know what that means. I don't know how closely Mr. Reed is following the progress of Chia-Chia with respect to the mission ascribed to Chia-Chia coming to this country.

Mr. CONTE. Is Chia-Chia happy?

Mr. YATES. I will be happy to notify you when Mr. Reed takes the stand to report on that.

Mr. CONTE. I will be down.

Mr. HUGHES. The term was sleeping in, Mr. Chairman, not sleeping around.

Mr. YATES. I don't know, it all depends.

Mr. REED. At this time it is jet lag, I hope that in six weeks it is something else.

Mr. YATES. Jet lag. Well, how long did that last with Ling-Ling or Hsing-Hsing?

Mr. REED. Maybe he never got over it.

Mr. YATES. Had you concluded, Mr. Conte?

Mr. CONTE. Yes.

FISCAL YEAR 1982 STAFFING

Mr. YATES. How about your staffing? Are you all right?

You are all right.

Charlie, are you all right with your staffing? The only one missing is Marvin Sadik.

Mr. BLITZER. We will lose a new research curator.

Mr. YATES. Will you be able to substitute a custodian or something else? Mr. Lawton just got through saying he could do it. Can't they suffer through some other custodian position in the castle, for example?

Mr. BLITZER. If I am allowed to say this if the Committee would allow us the money for the salary of a research curator for the Museum of African Art, that is another one that I think in our view is so important we would somehow find the position.

Mr. YATES. I must say that I have the impression that if the Under Secretary has experience in the Office of Management and Budget it would be invaluable in trying to find openings to try to hire those people and at the same time possibly not being hurt with the loss of one or two, I don't know. I assume that all the jobs you asked for are necessary but some are more necessary than others.

Mr. BLITZER. Yes.

Mr. YATES. Thank you very much, gentlemen.

BYLAWS OF THE BOARD OF REGENTS

In 1979 Chancellor Burger and Mr. Ripley authorized the printing and distribution of bylaws of the Board of Regents and the charter of the Smithsonian that have been adopted and we have a copy of that, and of course we read it so regularly we wondered whether there were any changes to that that have occurred since this was published.

Mr. RIPLEY. I notice it looks rather dog-eared, Mr. Chairman. We will send you another copy.

Mr. YATES. Have there been any changes?

Mr. RIPLEY. No.

Mr. YATES. No changes in the bylaws.

Mr. RIPLEY. We codified the bylaws at the direction of the regents and published them for the first time in many years. We have not had a new edition, there is an amendment regarding regents emeritus that was not included in the original.

Mr. YATES. What is the amendment regarding regents emeritus? To what rights is a regent emeritus entitled?

Mr. RIPLEY. They accept the responsibility for continuing activities in the interest of the Smithsonian Institution so being a regent emeritus you may be called upon from time to time to take part in some activity, for example subcommittee work or a membership or one of the other things that the regents do have divided up in responsibilities. Mr. Mahon, for example, sits on the Audit and Review Committee and Dr. Haskins who is a distinguished entomologist is going to be serving on a Review Committee for the Department of Entomology. So it presumes a continuing interest in the Institution and possibly some participation from time to time.

NATIONAL ASSOCIATES ACTIVITIES

Mr. YATES. The Smithsonian Associates are very active, they have all kinds of programs, they have all kinds of tours, they have all kinds of meetings. That is correct, isn't it?

Mr. RIPLEY. Yes.

Mr. YATES. Now one of their meetings is going to be held in Tampa, St. Petersburg, Clearwater and Bel Air between February 10 and 16 which is a nice time to hold meetings there. Does the Smithsonian also supply travel funds and participate in these meetings?

Mr. RIPLEY. I understand these are essentially members of the Associates' organization. I don't know about the details of food and lodging.

Who went to the Tampa meeting?

Mr. FISKE. I attended as a participant lecturer and there were a group of about 10 people from here in Washington from the Smithsonian who traveled to the Greater Tampa area for those meetings.

Mr. YATES. Who pays your travel and hotel expenses when you go there?

Mr. FISKE. My understanding is that it is from the Trust funds related to the National Associate program.

Mr. YATES. Trust funds related to the profits made by the Smithsonian Associates?

Mr. RIPLEY. Well, the continuing budget Associates. They undertake to appropriate out of their budget the necessary funds for those enterprises.

HILLWOOD ESTATE

Mr. YATES. Apparently the Smithsonian was wise in returning Hillwood to the Post Estate. It is my understanding that \$7 is now charged as the price of admission.

Mr. RIPLEY. For a very limited admittance of people.

Mr. YATES. Whereas there are no charges for the Smithsonian installation.

Mr. RIPLEY. We never could have run it on the budget which we had, we would have had to come to Congress. We felt that the interests of the Institution would not be served in this way.

NELSON ROCKEFELLER HOME AT POCANTIO

Mr. YATES. Well, we have that possibility now. I understand the National Trust is trying to find out whether the Government is interested in taking over the Nelson Rockefeller home at Pocantio. The endowment will be left short by about a million dollars of the amount necessary for operating expenses.

Mr. RIPLEY. Annual operations.

Mr. YATES. I ask whether or not the Congress would accept that kind of a gift. My own impression, subject to what my committee members would feel, is that they would not. I don't think we ought to pay a billion or a billion and a half dollars a year to keep up the Rockefeller home for those who want to visit it up there. Do you, Silvio?

Mr. CONTE. It comes at a very, very bad time.

Mr. YATES. Incidentally, there is no hunting up there.

Mr. CONTE. That's right, there is no hunting at all.

Mr. YATES. Generally do the current policies on reprogramming provide the Smithsonian with enough flexibility to address problems which arise in the course of the year?

Mr. YELLIN. Yes, Mr. Chairman, they are perfectly adequate.

TIGER AND PANDA PROJECTS

Mr. YATES. Mr. Challinor, how is your tiger project coming along in Nepal?

Mr. CHALLINOR. The tiger project is now in its seventh year, it is slowly winding down.

Mr. YATES. With the same tiger?

Mr. CHALLINOR. We are in our third generation of collared tigers.

Mr. YATES. You ought to take over the panda problem. Do you think the pandas ought to be referred to Nepal?

Mr. CHALLINOR. We will see how they are doing in China when we get over there in April.

Mr. YATES. Are you going there in April?

Mr. CHALLINOR. Three Smithsonian staff will go in April in an agreement with the Chinese Association for Science and Technology to set up a similar program to what we have been doing in Nepal in a national park in China.

Mr. YATES. Do they have tigers?

Mr. CHALLINOR. They do have tigers in China but not in the national park that we are going to.

Mr. RIPLEY. These will be with pandas instead of tigers.

Mr. YATES. Oh, really?

Mr. RIPLEY. In other words, pandas in the wild. We are interested in trying to observe the life of pandas in the wild which has never been effectively done. We think we can use this technique of radio monitoring, attaching a little tagging device and a little radio which emits a specific signal on a collar around the neck of the

pandas as we do with the tiger so when the radio emits a specific signal it can be picked up to monitor and show where the animal is traveling and what his range is.

Mr. YATES. Is it possible that that signal makes the tiger more attractive to its mate?

Mr. CHALLINOR. They don't hear it, only we do.

Mr. CONTE. Why would we want to do this? Why can't the Chinese do this?

Mr. CHALLINOR. One, they do not have the technology to make these radios which are quite tricky. We use radios manufactured at the University of Minnesota. They weigh a little less than two pounds and as the technology gets better and if I can find \$20,000 I can get one about the size of a 50 cent piece.

Mr. CONTE. I have seen some on wild turkey.

Mr. CHALLINOR. The radios we have on tigers will carry 15 miles if you are in an airplane and maybe three or four miles on the ground depending on the topography. If there are a lot of hills and rocks and trees, you don't hear it as far as on a nice open plain. The radio transmits continuously for about two to three years. Each time it transmits its own signal you can identify a specific tiger and know precisely the direction in which the tiger is and by taking a bearing you might even spot the tiger.

NEPAL TIGER PROJECT

Mr. CONTE. Now that you have all that information, what good is it?

Mr. CHALLINOR. This is what we are trying to find out. Here is a national park in Nepal with about 40 adult tigers. It is an important tourist attraction and one of the key elements in the economy of this country by which it can generate income from western tourists. We are trying to find out whether 40 tigers are enough to keep a viable, healthy population. In other words, when the tigers become sexually mature around two years old, do they travel far enough to allow a mixing of the genes; that is, not having father-daughter or brother-sister breeding which in a short time will produce a very—

Mr. CONTE. Small tiger.

Mr. CHALLINOR. [continuing]. A small tiger or a tiger that does not survive well in the wild. We have learned at the end of seven years to plot where the tigers go when they become mature. It looks as though the genes of these 40 tigers are stirred up enough so that if this park stays the same size and does not get smaller, Nepal can be assured of a reasonably healthy population of tigers for the tourists to see for many years to come. It took somewhere from five to seven years to get this and other information together. We are collaborating with scientists in Nepal and this August the second Nepali will start writing his Ph. D. at the University of Edinburgh supported in part by the Smithsonian on his work in the National Park on our tiger project.

Mr. CONTE. How do you keep the population down to 40?

Mr. CHALLINOR. When a tiger goes out of the park he gets shot by the farmer whose animals he kills, or other similarly man-induced causes.

Mr. RIPLEY. They will wander sometimes as much as 300 miles in one direction. A male, for example, may just without benefit of visa go over into India much to the surprise of the Indians and that is part of what Dr. Challinor is talking about in terms of the renewal of the genetic pool that is available for the total population.

Mr. CONTE. I understand that.

Mr. YATES. Mr. Conte is asking what are the benefits that flow from the American expenditure of funds?

Mr. CHALLINOR. The benefit is not only for this park but for other national parks of this size to determine whether it is practical to bring tourists to see tigers or other large animals. We can now reasonably assure park managers that they can lose X numbers of tigers a year from those that leave the park and are shot, as long as the population that is left still continues to produce young, and that there is a sufficient amount of prey animals for the tigers in the park. The ratios between the number of tigers and the number of prey species, such as deer and wild pigs, must be maintained at a certain level. This ratio is important for managers of all National Parks whether it be Yellowstone National Park and its grizzly bears or this national park in Nepal and its tigers.

Mr. RIPLEY. If you are concerned about the funds, a major portion of these funds has been coming from the World Wildlife Fund as a grant to the Smithsonian.

Mr. CONTE. Good.

Mr. YATES. How much money was spent for this?

Mr. CHALLINOR. We have been spending about \$80,000 a year, and about half of that or \$35,000 to \$40,000 are federally appropriated funds and the other half are moneys that we have raised from private sources, primarily the World Wildlife Fund.

Mr. CONTE. How about the pandas, Mr. Chairman?

Mr. YATES. I was just coming to that.

Is the tiger study coming to an end?

Mr. CHALLINOR. We are trying to wind it down. After seven years the amount of information that we are gathering has become less and less valuable in proportion to the amount of dollars that it costs to get it. Therefore, we have been helping the government of Nepal to establish a Royal Chitwan National Park Foundation and the legislation for this is now starting in Nepal. When this foundation is established, it will be a vehicle for western tourists to help finance the research and help us continue to pay the upkeep of five Smithsonian elephants and the locally trained people who care for them. The \$40,000 that we have been spending in Nepal will be shifted to other places.

PANDA PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. YATES. Eighty thousand dollars is requested to initiate the survey. How did you go about setting this up? Was this a request of the People's Republic?

Mr. RIPLEY. Yes, they have asked us to do this.

Mr. YATES. Who is 'they,' the people of the People's Republic?

Mr. RIPLEY. The scientific organization consisting of two parts, the Academia Sinica which is the National Academy of China and the Chinese Association for Science and Technology which is a government set up organization.

Mr. YATES. How do you go about making agreements of this kind? Is the State Department involved in this at all?

Mr. RIPLEY. No, we sign directly.

Mr. YATES. Well, is this something where you should sign directly?

Mr. RIPLEY. We signed with the knowledge.

The Chairman in the United States and the President of the Academia Sinica in China set up broad policies of kinds of cooperation—technical, technological, and scientific—which are considered to be for the benefit of both countries. In other words, the research that we wish to accomplish is of great interest to us because we think it helps in the long run of the pandas we already happen to have in our care.

Mr. YATES. What other—

Mr. CONTE. Mr. Chairman, before you leave the pandas.

Mr. YATES. Mr. Conte.

Mr. CONTE. I am about to leave.

Mr. YATES. I was going to stay in China. You stay with the pandas.

Mr. CONTE. The Secretary said that the Congress was concerned about where the money has been coming from for the national wildlife project but this is coming from this Federal budget.

Mr. RIPLEY. Both. It is both. In other words, we intend to ask the World Wildlife Fund in addition.

Mr. CONTE. So it will be \$160,000.

Mr. RIPLEY. I am not sure of the exact amount. I think it was \$40,000 or \$50,000.

Mr. CHALLINOR. We don't know what we will get from Congress but we will definitely plan to get what we call matching outside funds. In the case of the tigers with \$30,000 or \$40,000 in Federal funds we have been able to more than match that generally with outside money.

RELATIVE BUDGET PRIORITIES

Mr. CONTE. I merely raise the issue because listening to the Chairman's questions regarding the Japanese artists we can't hire 45,000 because of the shortage of money, for \$80,000 we could put two Japanese artists to work.

Mr. YATES. Not two, there is only one.

Mr. CONTE. But we could put one to work if we had the money. The question is priorities.

Mr. YATES. I agree with you.

Mr. CONTE. That is the point I am trying to make.

Mr. YATES. Let Dr. Challinor answer that question. I think you have propounded a very significant question.

Mr. CHALLINOR. This is something, Mr. Chairman, that the Secretary is faced with every day and at the Assistant Secretary level, too, when we are obliged to slice the pie. Does the zoo get a new rhinoceros or does somebody else get a new microscope? These are the extreme cases of apples and oranges. Then we have to decide who gets what in what year when there is a finite amount of money. When you think of what the Smithsonian is doing, the apples and oranges analogy is multiplied almost to an indefinite level.

Mr. YATES. Just think of what you could do with a million dollars for planning for the Quadrangle.

Mr. CHALLINOR. A nice new piece of scientific equipment.

Mr. CONTE. Can you tell me why studying the pandas' travel behavior is more important than getting the Japanese artist?

Mr. RIPLEY. Well, we have the personnel requirement. We have ceilings and slots and all of this kind of thing which is ancillary but very compelling in terms of putting together a budget. In other words, we are restricted to certain numbers of people that we can possibly afford. When we are cut 96 positions, that really has nothing to do with pandas. We have another line item, let's say, which is scientific research.

Mr. CONTE. It has a lot to do with pandas. It is all interrelated. I would like to go to China on this trip, and to be outdoors.

Mr. YATES. Get some tiger hunting.

Mr. CONTE. I would give anything to go with you, it sounds like a fascinating and exciting trip.

Mr. YATES. Would you give him the money for this experiment?

Mr. CONTE. If they included me.

Mr. YATES. You do raise a valid point but I don't think the record shows any answer yet.

Mr. RIPLEY. When Frank Bow was a Regent he was constantly urging the Regents that we have a meeting of the Regents in places like China and if you would like to pursue this, Mr. Conte, maybe you can work it out to have one in Schezwan. You would have to be the point man of the meeting to see if you could get the rest of the Regents to go along.

Mr. CONTE. Thank you, Mr. Yates.

Mr. YATES. You do raise a very valid point and that is why I call it the Reagan theory of relativity, some people call it priority. Why does this experiment have priority over Mr. Lawton's Japanese painter who I think is integral to the well being of the Freer? Now, of course, David is just anxious to tell us why the knowledge respecting the pandas is essential. Poor Mr. Reed is stuck, he will not know about Chia-Chia for a few months yet. David's experiment may bring approval. Of course, it can't immediately, can it?

Go ahead, David, try again.

Mr. CHALLINOR. I guess what I am saying is that the pandas are a very good example in this case of something that we feel is very worth saving. The panda is an animal that is evidently in danger of extinction and in a sense this is just as valuable a living organism as the Chinese scroll that the Japanese restorer could save for another five or ten generations of people to look at and admire. There is an exciting talent that is essential to preserve, in this case a beautiful work of art for generations to see. Nonetheless I think from my perspective I have to preserve the existence of a beautiful and endangered animal which is just as justifiable. I do not think they are comparable is what I am saying.

Mr. YATES. I think Mr. Conte will accept that answer.

Mr. CONTE. Yes, except when I visited China many years ago I went to the zoo and I observed those pandas were doing very well there in the zoo. Maybe the problem that we are having here in the Washington zoo is that we have the wrong caretaker.

RESEARCH ON ENDANGERED SPECIES

Mr. YATES. They don't feed them nearly as well.

Mr. REED. May I say something here. We are talking about my colleague Dr. Lawton and his problems and our problems. We want to study the giant panda. In the history of the world man has created great works of art. Throughout time mankind has had great artists in Greece, Rome, and in the Middle Ages. Even today all over the world—China, Japan, India, and even some of the men in Australia did great art work, if you like their type of art. But none ever created a panda, an elephant, a tiger or any animal. And once they are gone, one of the most beautiful things in the world, a fellow creature living with us on the Earth is gone and gone forever. Man with all his ingenuity, all of his brains, and all of his talent is never going to create another. Animals were created by our creator as we were.

Mr. YATES. And that is the purpose of this experiment.

Mr. REED. This is one of the reasons why it is important to study these animals to see if we can develop the means to assist the Chinese and the whole world community to save these animals from extinction. We are not going to save them by putting a fence around them and leaving them alone. We have to know how they relate to weather, to plants, to other animals, and who preys on the panda in the wild. The techniques of field management and field studies are techniques we should share with our Chinese colleagues. We will also learn from the Chinese.

Mr. YATES. Is the panda an endangered species?

Mr. REED. Yes, it is thought to be but no one really knows. In 1976 the bamboo flowered and died, 125 carcasses were found within the next year at the Wolong Nature Reserve because they are so closely tied to the bamboo. That is half the population of that area. Now the range of the panda is further than that one area so pandas elsewhere survived.

Mr. YATES. Wait a minute. You counted 125 carcasses?

Mr. REED. Yes, out of 200 animals in the Reserve.

Mr. YATES. Where?

Mr. REED. The Wolong Nature Reserve where the bamboo died.

Mr. YATES. It is like your Everglades pike that were not provided with snails.

Mr. REED. Yes, bamboo is grass so it dies after flowering. We don't know how soon the pandas will respond to this critical problem. So little is known about these animals that we must study them. This is an opportunity. The Chinese are coming to us and saying, 'We would like to share with you our experience.' We will be working with Chinese scientists.

Mr. YATES. What will the People's Republic of China contribute to this experiment?

Mr. REED. Local staff, transportation, logistics.

Mr. YATES. No staffing. They have a rice wine.

Mr. CONTE. Mr. Chairman, I am sorry I ever asked that question.

Mr. YATES. No, I am glad you did because somebody is liable to ask that question on the floor as to why we are doing this and I think it is important to have the responses both of Dr. Challinor and Dr. Reed in respect to this and I think they have presented us with very, very good answers.

Mr. CONTE. They were excellent answers.

Mr. REED. I want you to understand that I think the Freer Gallery of Art next to the zoo, is the best thing the Smithsonian has. I love that art gallery. I really enjoy it. This is my personal preference and I hate to put myself in an adversary position with Tom Lawton.

Mr. YATES. You didn't do it, the Members of Congress did it. Actually we have withdrawn that adversary position.

Mr. REED. We should restore wonderful Chinese art and restore animals in the wild.

Mr. YATES. Chinese art and animals.

Mr. REED. Animals all over the world.

Mr. YATES. In this instance Chinese animals.

COOPERATIVE PROJECTS WITH THE PEOPLE'S REPUBLIC OF CHINA

You have mentioned one experiment with the People's Republic of China. Are there others that you have with the People's Republic of China?

Mr. RIPLEY. Yes.

Mr. YATES. What other programs?

Mr. RIPLEY. We have a program which we are developing of relations in archeology and in zoology and botany at the present time and these involve the exchange of Chinese coming to this country for whom we will act as hosts in our museums and our people over a period of years going to their country to work in their universities.

Mr. YATES. How much is provided in the budget for that program?

Mr. RIPLEY. I don't know.

Dave, do you know?

Mr. CHALLINOR. This will all be the kind of project that we are talking about, the \$100,000, the first program that will get underway. As this program develops, that base will be used to expand entomology. Botanists and entomologists will participate in the panda project as our agreement with the Chinese becomes firm.

The three people that will be going to China in April will look at certain reserves and decide with the Chinese colleagues in which place they will work. When that decision is made an agreement will be arrived at which will be signed later this coming summer to handle all the details. We will be doing what we call a broad scale biological survey of this reserve and it will not only be the pandas, it will be the plants and insects and everything else. The pandas will be the main focus because this is both a popular animal and important species in the ecosystem.

Mr. YATES. How many such programs are there? You mentioned four scientific pursuits. Are there nonscientific engagements by the Smithsonian with the Chinese, do you know? Are there cultural exchanges in which the Smithsonian engages with the People's Republic?

Mr. CHALLINOR. I am familiar with the scientific ones.

Mr. YATES. Mr. Perrot.

Mr. PERROT. We want to exchange exhibitions with the People's Republic. We have had discussions on that subject which have not yet matured but I hope, in years to come, that some of our exhibi-

tions will be going to the People's Republic and, in turn, that we will circulate some of their exhibitions here.

Mr. YATES. I saw an exhibition at the Field Museum in Chicago.

Mr. PERROT. That resulted from an agreement between the Metropolitan Museum, the Field Museum, the Los Angeles County Museum, and one or two others.

Mr. YATES. Do you know how that was funded, Mr. Perrot?

Mr. PERROT. Insurance was covered by indemnification, and I believe there were NEH grants, Mr. Chairman, but I do not have the precise figures in mind. The museums involved also contributed private funds.

Mr. RIPLEY. It is the kind of exhibit we could have and put on if we had either a Quadrangle or some surrogate exhibit area for it.

SPECIAL EXHIBITS GALLERY

Mr. YATES. We have covered the tiger. We have covered the panda in its natural and unnatural habitats. Now let's go back to the National Museum of Natural History and the Korean exhibit. How much of the cost of that exhibit is being covered by private donation?

Mr. CHALLINOR. May I defer to my colleague?

Mr. YATES. Is that your baby or Mr. Blitzer's?

Mr. CHALLINOR. It is being held in the National Museum of Natural History so it is partly my baby.

Mr. YATES. What do we have here?

Mr. CHALLINOR. This will cover the next questions, we hope. You asked about what is funding the Korean exhibit if I understand you correctly.

Mr. YATES. You understood me correctly.

Mr. PERROT. Mr. Chairman, some of the funds being used come from the National Museum of Natural History. Construction or rather the reconstruction of the special exhibition hall, was supported primarily by private funds. Other funds are being sought by the Office of Development for the exhibition. We have already received some contributions and we hope that it may be close to a "wash" at this point.

CORPORATE SPONSORSHIP OF EXHIBITIONS

Mr. YATES. Do you ever put on exhibitions at the request of corporations?

Mr. PERROT. No, Mr. Chairman. Not to my knowledge.

Mr. YATES. Do you, Mr. Ripley?

Mr. RIPLEY. We seek out funding for the exhibit.

Mr. YATES. Suppose one of your donors comes to you with a proposed exhibit and says, look, we have been awfully good to you, we have given you contributions and donations over the years and now we have some products that we think are in the national interest; would you show them in some kind of an exhibit? Do you ever do that?

Mr. RIPLEY. To my knowledge we have not had that question, I don't think.

Mr. YATES. Does anybody know?

Mr. CHALLINOR. The closest I remember, Mr. Chairman, is when they were trying to get an American SST when the French had the Concorde and we were approached by the White House to put out an SST exhibit. You remember there was a great deal of lobbying going around.

Mr. YATES. I remember very well because I offered the motion to kill the program.

Mr. CHALLINOR. We turned that request down. We said we would like to show all the other SSTs but we were not about to feature either Company A or Company B, the two American companies that were building the SST at large expense on their part.

Mr. YATES. When Mr. Perrot says that you are going out to the corporate community for funds to share in the expenses of this exhibit, this is an exhibit that the Smithsonian has undertaken and the funding is to be provided in part by the Federal Government and in part by donations and you hope to get those donations.

Mr. RIPLEY. Yes.

SPECIAL EXHIBITS GALLERY

Mr. YATES. Now suppose the donations are not forthcoming.

Mr. CHALLINOR. The exhibit will be reduced somewhat in quality. It depends on what we get.

Mr. YATES. Will it be reduced in quality?

Mr. RIPLEY. We cannot afford it.

Mr. YATES. As I remember, you requested \$168,000. Was that the amount? It sounds like a marvelous exhibit. Was it "50,000 Years of Korean Art"?

Mr. RIPLEY. Five thousand years.

Mr. YATES. Five thousand years. My goodness.

Does it go beyond the Bronze Age to the Paleolithic?

Mr. RIPLEY. Yes, you are into the Paleolithic.

Mr. YATES. It is beautiful art. You want \$860,000. How much do you want the Federal Government to put up for that? Is \$860,000 the amount the Federal Government is requesting?

Mr. RIPLEY. No, I don't know where that figure comes from.

Mr. YATES. What is the amount?

Mr. CHALLINOR. At page A-21 at the bottom of the page you see our request for the Special Exhibits Gallery.

Mr. RIPLEY. That is independent of this exhibition.

Mr. YATES. You are going to make available 14,000 square feet of space.

Mr. RIPLEY. For which we have already received a major contribution from a donor and we do need some more money for the salaries of four temporary program coordinators and exhibit specialists who are needed to manage the exhibits galleries. That is a total of \$79,000 and for the costs of restoring one of the three shows as planned each year. That is \$164,000. That shows one each year will be from the museum's own collection. That would be like an ongoing part of our regular exhibits program.

Mr. YATES. All right.

EXHIBIT ITEMS FROM THE NATIONAL MUSEUM OF NATURAL HISTORY

Mr. RIPLEY. As an example of the kinds of exhibits that we show from the museum collection, Mr. Chairman, Mr. Fiske has here a couple of little cases that show artifacts from the Eskimo art collected by Dr. Nelson of the Geological Survey many years ago in Alaska.

Mr. CHALLINOR. These are examples of one hundred year-old artifacts from about 10,000 objects that Nelson brought back but have never been shown to the public. This is the sort of show that we would like to put on in this new gallery for which we are asking the Congress for \$164,000 a year. The total amount is \$243,000 but the \$164,000 is for the cost of the show plus the \$79,000 you see at the top of page A-22.

Mr. YATES. Didn't the National Gallery put on a show like this three or four years ago?

Mr. RIPLEY. You mean Eskimo art?

Mr. YATES. Yes, which showed some of the ancient artifacts.

Mr. RIPLEY. We borrowed from Russia and they borrowed from other institutions, yes.

Mr. YATES. How does that differ from yours?

Mr. RIPLEY. I think this will be, substantively speaking, a rather major show.

STATUTORY COMPONENTS OF SMITHSONIAN

Mr. YATES. I thought theirs was, too, but go ahead. That is part of the Smithsonian, too, isn't it?

Mr. RIPLEY. You keep asking us that question and I am sure you can answer it.

Mr. YATES. Here on your chart on page one it shows that the National Gallery of Art is part of the Smithsonian.

Mr. JAMESON. Dotted lines, Mr. Chairman.

Mr. YATES. A dotted line. I had not noticed that. Is that so it can be torn off?

Mr. JAMESON. Yes. It is a clipping, you know.

Mr. YATES. I had asked Judge Powers, I believe, in the last hearing or subsequent to the last hearing what the relationship was between the National Gallery of Art and the John F. Kennedy Center for the Performing Arts and the Smithsonian Institution. This letter is from the Smithsonian Institution and it is signed by Mr. Ripley which looks like a very important document, certainly historically, and it may go into the record at this point supplementing Mr. Jameson's comment on the dotted nature of the lines surrounding your Institution.

[The information follows:]

NATIONAL GALLERY OF ART

Regarding the relationship of the National Gallery of Art to the Smithsonian Institution, it appears that the Board of Regents was fully aware of the gift from Mr. Mellon and the conditions he attached thereto, and accepted without objection that the National Gallery of Art would function as an autonomous bureau of the Smithsonian Institution.

The Permanent Committee of the Board of Regents reviewed the proposal (referred to as the "Trust Indenture") and at a special meeting of the Board of Regents on June 24, 1937, approved it.

In the book titled "National Gallery of Art" written by John Walker in 1963 (Abrams), the rationale leading up to acceptance of the gift indicating some of the reasoning which was considered at the time, was set forth on page 17 as follows:

"The first real step toward the founding of an adequate national gallery was made by Andrew Mellon. . . . It was during the period of his Secretaryship of the Treasury and afterward while Ambassador to the Court of St. James's that he came to his important decision about the original National Gallery. He felt that it would always be handicapped by a position subordinate to the great scientific and historical collections of the Smithsonian Institution. He realized that the only solution was to establish a new gallery, in a building of its own, with its own endowment, its own appropriation from the Federal Government, and its own Board of Trustees. On the other hand, he thought it wise that the contemplated gallery should be placed under the aegis of the Smithsonian Institution, which had always been free from political interference. He offered to erect a building, to give his collection, and to provide an endowment on condition that Congress would appropriate funds to support the new museum."

There are specific conditions in the "Trust Indenture" which describe the relationship of the National Gallery to the Smithsonian. A copy of the Trust Indenture is attached but specific portions are quoted as follows:

I. ERECTION OF THE NATIONAL GALLERY OF ART

". . . The donor shall pay all costs and expenses in connection with, or incident to, said project. In no event and under no circumstances shall the Institution or the trustees be responsible or liable for any part of such cost or expense, and the donor shall indemnify and save harmless the Institution and the trustees from any and every liability whatsoever with reference to anything done or omitted to be done in connection with the carrying out of said project or any part thereof. The Institution and the trustees are expressly relieved of any responsibility or duty pertaining to said project, and the entire and exclusive jurisdiction and responsibility thereover and with regard thereto are imposed upon and vested in the donor . . .

". . . As and when said project shall be finally completed by the construction, equipment, and furnishing of said building and the landscaping of said area in accordance with said plans and specifications, the donor will give written notice thereof to the Institution and the trustees and thereupon, without further action by any of the parties hereto, the legal title to said building shall be deemed to be vested in the Institution, but the maintenance and administration of said building and of the site shall be vested exclusively in, and shall be the sole obligation and duty of, the trustees as a separate bureau of the Institution, and distinct from the other activities of the Institution, which are under the management of its Board of Regents."

V. PASSAGE OF TITLE AND RESPECTIVE FUNCTIONS OF INSTITUTION AND OF TRUSTEES

"Forthwith upon the execution and delivery hereof, the title to said collection of works of art shall pass to and be vested in the Institution. While it is the intention that the title to said works of art shall be forever vested in the Institution, yet it is also the intention of the parties hereto, and this gift is made upon the express understanding, agreement, and trust, that *from and after the completion of the National Gallery of Art, the actual custody, control, management, and exhibition of said works of art, as well as of such other works of art as, in accordance with the provisions of said joint resolution, from time to time may be housed or exhibited in said National Gallery of Art, and all the details pertaining thereto, shall be, and hereby are, delegated to and vested solely, exclusively and forever in the trustees.*"

IX. ALTERATION OR MODIFICATION OF THIS INDENTURE

". . . the trustees, with the approval of at least three-fourths of the entire membership of the trustees, and the Institution, pursuant to approval of at least three-fourths of its Board of Regents or other duly constituted authority, shall have the right, power, and authority, by supplemental indenture, to effect any such alteration, modification, or amendment hereof, or supplement hereto, provided however, that no alteration, modification, or amendment of this trust indenture, or any supplement thereof, shall be made which shall be in violation of the provisions of said joint resolution or of any future act of Congress relating to the National Gallery of Art . . ."

* * * * *

The authorizing Act, Public Resolution No. 14, 75th Congress, "providing for the construction and maintenance of a National Gallery of Art" as a bureau of the

Smithsonian Institution, indicates the remaining relationship with the Institution to be the responsibility of the Secretary as a member ex officio of the Board of Trustees; and under the Trust Indenture the amendatory power set forth above under IX.

ANNUAL REPORT SMITHSONIAN INSTITUTION, 1937—REPORT OF THE SECRETARY

MATTERS OF GENERAL INTEREST—ANDREW W. MELLON'S ART GIFT TO THE NATION

Probably the greatest impetus ever given to the development of art in the Nation's Capital and in the Nation itself will result from Andrew W. Mellon's munificent gift to the American people of his unexcelled art collection, a \$10,000,000 building to exhibit it, and an endowment fund to pay the salaries of the directing officials and for the acquisition of additional art works. The proposal was made by Mr. Mellon in a letter to President Roosevelt dated December 22, 1936, which began as follows:

Over a period of many years I have been acquiring important and rare paintings and sculpture with the idea that ultimately they would become the property of the people of the United States and be made available to them in a national art gallery to be maintained in the city of Washington for the purpose of encouraging and developing a study of the fine arts.

* * * * *

In order to carry out this purpose, and with the approval of the other trustees, I wish to propose a plan to give the art collection which I have brought together to the Smithsonian Institution or to the United States Government for the benefit of the people of this country, and also to erect or cause to be erected on public land a suitable building for a national gallery or art, the design and materials of which shall be subject to the approval of the Fine Arts Commission.

Following an exchange of correspondence with the President, Mr. Mellon made his formal offer in a letter dated December 31, 1936. In consultation with representatives of the Department of Justice and the Secretary of the Smithsonian Institution a bill was prepared by representatives of Mr. Mellon as House Joint Resolution 217 covering the matter. After hearings, the resolution was agreed to by Congress and approved by the President on March 24, 1937. The full text of the resolution follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the area bounded by Seventh Street, Constitution Avenue, Fourth Street, and North Mall Drive, Northwest, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as a site for a National Gallery of Art. The Smithsonian Institution is authorized to permit the A. W. Mellon Educational and Charitable Trust (hereinafter referred to as the donor) to construct on said site for the Smithsonian Institution a building to be designated the National Gallery of Art, and to remove any existing structure and landscape the grounds within said area. The adjoining area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive, Northwest, in the District of Columbia, is hereby reserved as a site for future additions to the National Gallery of Art. The project shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Gallery of Art, whose duty it shall be to maintain and administer the National Gallery of Art and site thereof and to execute such other functions as are vested in the board by this Act. The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio; and five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. No officer or employee of the Federal Government shall be eligible to be chosen as a general trustee.

(b) The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor, and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring ten years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

SEC. 3. Upon completion of the National Gallery of Art, the board shall accept for the Smithsonian Institution as a gift from the donor a collection of works of art which shall be housed and exhibited in the National Gallery of Art.

SEC. 4. (a) The faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of this Act and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public free of charge. For these purposes there are hereby authorized to be appropriated such sums as may be necessary.

(b) The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Gallery of Art. Unless otherwise restricted by the terms of the gift, bequest, or devise, the board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Gallery of Art. The income as and when collected shall be placed in such despositaries as the board determine and shall be subject to expenditure by the board.

(c) The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary, and a chief curator of the National Gallery of Art, and of such other officers and employees of the National Gallery of Art as may be necessary for the efficient administration of the functions of the board. Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The director, assistant director, secretary, and chief curator shall be well qualified by experience and training to perform the duties of their office and the original appointment to each such office shall be subject to the approval of the donor.

(d) The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

SEC. 5. (a) The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the acquisitions, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the board. The board may function notwithstanding vacancies, and three members of the board shall constitute a quorum for the transaction of business.

(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless it be of similar high standard of quality to those in the collection acquired from the donor.

(c) The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

(d) The board shall submit to the Smithsonian Institution an annual report of its operations under this Act, including a detailed statement of all acquisitions and loans of works of art and of all public and private moneys received and disbursed.

SEC. 6. (a) The Commissioners of the District of Columbia are hereby authorized and directed to close Sixth Street, Northwest, within the boundaries of the site for the National Gallery of Art. The National Capital Park and Planning Commission shall determine the building lines and approve the plan of approaches for said gallery, and shall also make recommendations for the widening and adjustment of Third, Seventh, Ninth, and such other streets in the vicinity as may be necessary and desirable to provide for the traffic which would otherwise use Sixth Street.

(b) Section 10 of the Public Building Act, approved March 4, 1913 (37 Stat. L., p. 881), relating to the George Washington Memorial Building, and all provisions of law amendatory thereof, are hereby repealed.

(c) The existing bureau of the Smithsonian Institution now designated as a national gallery of art shall hereafter be known as the National Collection of Fine Arts.

(d) The fifth paragraph under the heading "Smithsonian Institution" in the Independent Offices Appropriation Act for the fiscal year 1924, approved February 13,

1923 (42 Stat. L. 1235), relating to the erection of a national gallery of art, is hereby repealed.

Approved, March 24, 1937.

At a special meeting of the Board of Regents of the Institution held on June 24, 1937, there were submitted copies of a trust indenture between the A. W. Mellon Educational and Charitable Trust, the Smithsonian Institution, and the trustees of the National Gallery of Art. After consideration, the following resolution was adopted:

Resolved: That the trust indenture between the A. W. Mellon Educational and Charitable Trust, the Smithsonian Institution and the trustees of the National Gallery of Art, a draft whereof has been presented at this meeting, and hereby is directed to be inserted in the minute book of the Regents immediately following the minutes of this meeting, be, and hereby it is, approved, and the Secretary of the Institution be, and hereby he is, authorized and directed to execute such indenture, in triplicate, in the name and under the corporate seal of this Institution, and upon its due execution and by the other parties thereto to make proper delivery thereof.

The full text of the trust indenture is as follows:

TRUST INDENTURE

Dated the 24th day of June 1937, and intended to be effective upon that date, although executed by the parties hereto on various other dates, by, between, and among

Andrew W. Mellon, Paul Mellon, Donald D. Shepard and David K. E. Bruce, as trustees of the A. W. Mellon Educational and Charitable Trust, established under and by virtue of a deed of trust of Andrew W. Mellon to said trustees, dated December 30, 1930, parties of the first part, and hereinafter sometimes referred to as the "Donor";

Smithsonian Institution, an establishment created and existing under and by virtue of an act of the Congress of the United States of America, approved August 10, 1846, party of the second part, and hereinafter referred to as the "Institution"; and

The trustees of the National Gallery of Art, constituted under and by virtue of a Joint Resolution of the Congress of the United States, entitled "Joint Resolution providing for the Construction and Maintenance of a National Gallery of Art," approved March 24, 1937, parties of the third part, and hereinafter sometimes referred to as the "Trustees."

Whereas in December 1936, by correspondence between the President of the United States of America and Andrew W. Mellon, the donor proposed to give a collection of works of art for the benefit of the people of the United States of America and to cause to be erected on public land a suitable building in which to house and exhibit such collection, copies of such correspondence being hereunto attached and made part hereof; and

Whereas by said joint resolution of the Congress, there was established a bureau in the Institution to be directed by the trustees, and provision was made for the construction of said building, the acceptance of a collection of works of art as a gift from the donor and the exhibition thereof and of other appropriate works of art in said building, and the administration by the trustees of said building, the site and contents thereof, and all matters and affairs that pertain to the use thereof for the public benefit; and

Whereas it is now desired to consummate the gift of said building and said collection of works of art and to specify more particularly the terms and conditions upon which said gift is made by the donor and accepted by the Institution and the trustees, and

Whereas by said correspondence, one of the conditions of the gift was that the upkeep of the gallery building and other administrative expenses and costs of operation and functioning of the gallery would be provided for annually in appropriations to be made by Congress; and by said joint resolution, the faith of the United States was pledged that it would provide such funds as would be necessary for the upkeep of the gallery and the administrative expenses and cost of operation thereof, including the protection and care of works of art acquired by the trustees;

Now, THEREFORE, THIS INDENTURE WITNESSETH:

I. Erection of the National Gallery of Art.

In accordance with the provisions of said joint resolution of the Congress, the Institution hereby permits the donor to construct, and the donor hereby agrees to construct for the Institution, a building to be designated and hereinafter referred to as the "National Gallery of Art" upon the area bounded by Seventh Street, Constit-

tution Avenue, Fourth Street, and North Mall Drive, N.W., in the District of Columbia (being the site appropriated to the Institution by said joint resolution), and to remove any existing structure and to landscape the grounds within said area, all in accordance with plans and specification approved by the Commission of Fine Arts. The building line and plans of approaches for said building shall be approved by the National Capital Park and Planning Commission. The donor, in its uncontrolled discretion but at its sole expense, shall engage such architects, contractors, builders, and others, and shall take or cause to be taken any and every other action necessary or advisable with the construction, completion, equipment, and furnishing of said building, and the landscaping of said area upon which it is erected. The donor shall pay all costs and expenses in connection with, or incident to, said project. In no event and under no circumstances shall the Institution or the trustees be responsible or liable for any part of such cost or expense, and the donor shall indemnify and save harmless the Institution and the trustees from any and every liability whatsoever with reference to anything done or omitted to be done in connection with the carrying out of said project or any part thereof. The Institution and the trustees are expressly relieved of any responsibility or duty pertaining to said project, and the entire and exclusive jurisdiction and responsibility thereover and with regard thereto are imposed upon and vested in the donor. Said project shall be commenced as soon after the execution and delivery hereof as, in the judgment of the donor, the necessary plans, specifications, and arrangements can be made and effected, and will be proceeded with as expeditiously as, in the judgment of the donor, the execution of the work can properly be effected, but as the building is of monumental character and is intended to have outstanding architectural merit, it is agreed that undue haste is not desirable, and no time for the final completion of the project can be fixed. As and when said project shall be finally completed by the construction, equipment, and furnishing of said building and the landscaping of said area in accordance with said plans and specifications, the donor will give written notice thereof to the Institution and the trustees and thereupon, without further action by any of the parties hereto, the legal title to said building shall be deemed to be vested in the Institution, but the maintenance and administration of said building and of the site shall be vested exclusively in, and shall be the sole obligation and duty of, the trustees as a separate bureau of the Institution, and distinct from the other activities of the Institution, which are under the management of its Board of Regents.

II. Name of Gallery

Said gallery shall be known and designated perpetually as the "National Gallery of Art", to which the entire public shall forever have access, subject only to reasonable regulations from time to time established by the trustees.

III. Gift of Collection of Works of Art

The donor hereby gives to the Institution and the trustees, and they hereby accept from the donor, in trust, however, for the uses and purposes and subject to the provisions and conditions hereinafter expressed, the collection of works of art listed in the schedule hereto attached, made part hereof and marked "Exhibit 1."

IV. Custody of Collection Pending Completion of the National of Art

Pending the completion of the National Gallery of Art, said collection of works of art shall remain in the custody of the donor. During such period of custody, the donor will care for all said works of art, and will keep the same insured in favor of the Institution and the trustees, as their respective interests may appear, against loss or damage by fire, theft, or burglary, in such amounts and with such parties as the donor, in its discretion, may determine, if and to the extent that such insurance may be obtainable. The donor shall pay all costs, premiums, and other charges incident to such care and insurance. Upon the completion of the National Gallery of Art, said collection shall be delivered to the trustees and thereafter shall remain under their exclusive control.

V. Passage of Title and Respective Functions of Institution and of Trustees

Forthwith upon the execution and delivery hereof, the title to said collection of works of art shall pass to and be vested in the Institution. While it is the intention that the title to said works of art shall be forever vested in the Institution, yet it is also the intention of the parties hereto, and this gift is made upon the express understanding, agreement, and trust, that from and after the completion of the National Gallery of Art, the actual custody, control, management, and exhibition of

said works of art, as well as of such other works of art as, in accordance with the provisions of said joint resolution, from time to time may be housed or exhibited in said National Gallery of Art, and all the details pertaining thereto, shall be, and hereby are, delegated to and vested solely, exclusively and forever in the trustees.

VI. Display of Collection

Subject to the subsequent provisions of this section VI, the said collection of works of art shall always be kept in the National Gallery of Art, and none thereof shall be removed from said building or from their settings therein except for most cogent reasons therefor, such as repairs to said building or said works of art, or temporary exhibition of some of such works of art elsewhere, and then only with the prior approval of a majority of the entire membership of the trustees. The works of art constituting said collection shall receive such care and attention from time to time as shall be necessary for their preservation and exhibition, shall always be exhibited in said National Gallery of Art in spacious arrangement so that overcrowding will be avoided, and shall always be displayed with dignity, in appropriate units, with suitable settings and with due regard to their importance and quality.

While the parties hereto presently recognize that all the works of art constituting said collection are of such high standard of quality that it is essential that such collection perpetually remain intact and be a part of the permanent collection on exhibition in the National Gallery of Art, and such is the purport of this indenture, the donor at the same time recognizes the inadvisability of perpetually foreclosing any discretion in the trustees in regard to the disposition of any of the works of art constituting such collection and, consequently, the donor authorizes and empowers the trustees, but only upon the prior approval of not less than three-fourths of the entire membership of the trustees, to exchange or otherwise dispose of any particular work of art then a part of said collection, if in such exchange or by reason of such other disposition the trustees are enabled to obtain for the Institution, to be and become a part of the collection under the Indenture, some other work of art which, in the judgment of the trustees, would be a highly desirable acquisition to such collection. Furthermore, the donor recognizes that with the passing of time it may come to be thought by at least three-fourths of the entire membership of the trustees that some particular work of art, then constituting a part of said collection, has become unsuitable longer to remain as a part of said collection, and therefore the donor provides that in the event that, in the opinion of at least three-fourths of the entire membership of the trustees, any particular work of art then a part of said collection is not in keeping with said collection as a whole, the trustees are authorized and empowered to make such disposition thereof as they, in their uncontrolled discretion, shall deem advisable by sale, exchange, gift, loan, or otherwise.

VII. Maintenance of the National Gallery of Art

The National Gallery of Art shall be the permanent home of the said collection of works of art hereby given by the donor. It shall be used exclusively for the storage and exhibition of works of art and the administration of the affairs of the trustees. In order that the collection of the National Gallery of Art shall always be maintained at a high standard and to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless it be of similar high standard of quality to those in the collection hereby given by the donor. The building and the contents and operations thereof shall at all times remain in the exclusive jurisdiction and control of the trustees in accordance with such by-laws, rules, and regulations as they from time to time shall prescribe.

It is an express condition of the trust of said collection of works of art, hereby created, that the faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of said joint resolution and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and costs or operation thereof, including the protection and care of works of art acquired by the Board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public free of charge.

VIII. The Trustees

The trustees shall always be not less than nine persons, of whom a minority, to be known as ex-officio trustees, shall be officers of the United States or of the Institution, ex-officio, and of whom a majority to be known as general trustees, shall be

citizens of the United States, none of whom at the time of his or her election of the office of general trustee shall be an officer or employee of the United States of America. Any vacancy in the office of general trustee by reason of the expiration of the term, death, or resignation of the incumbent, or otherwise howsoever, shall be filled by the election of a competent person by a majority of the remaining general trustees.

XI. Alteration or Modification of This Indenture

(a) During the existence of the donor

At any time and from time to time hereafter, with the consent of the Institution, the trustees, and the donor, this trust indenture may be altered, modified, or supplemented in any respect whatever, as the parties hereto may deem advisable or necessary, which shall not be inconsistent with the general purpose and scope of this trust indenture and of the said joint resolution.

(b) After the termination of the donor

While this trust indenture is entered into by the parties hereto with the intention, and it is the purport hereof, that the trust hereby created shall be administered strictly in accordance with the terms, provisions, and conditions of this indenture and of said joint resolution, the parties hereto recognize that with the passing of time and changed conditions, some of such terms, provisions, or conditions may become inconvenient or impossible of observance or the observance thereof may become detrimental to the primary purpose of the donor that the National Gallery of Art and the contents thereof, including the donor's collection of works of art, shall at all times be available for the benefit and enjoyment of the public, or situations or conditions, not now thought of or inadequately provided for in this indenture, may arise and the proper administration of this trust may require such conditions or situations to be properly and practically dealt with, and consequently, the parties hereto agree and expressly provide that if at any time and from time to time, but only after the termination of the A. W. Mellon Educational and Charitable Trust by the terms of the deed of trust creating such trust or otherwise, three-fourths of the entire membership of the trustees and three-fourths of the entire number of the regents or other duly constituted governing body of the Institution shall be of the opinion that in order properly to administer the National Gallery of Art and the site and contents thereof in the interest and for the benefit of the public, this indenture of trust should be altered, modified, or amended as respects any of its terms, provisions, or conditions, or should be supplemented so as adequately to provide for new conditions or situations, then and in every such event the trustees, with the approval of at least three-fourths of the entire membership of the trustees, and the Institution, pursuant to approval of at least three-fourths of its Board of Regents or other duly constituted authority, shall have the right, power, and authority, by supplemental indenture, to effect any such alteration, modification, or amendment hereof, or supplement hereto, provided however, that no alteration, modification, or amendment of this trust indenture, or any supplement thereto, shall be made which shall be in violation of the provisions of said joint resolution or of any future act of Congress relating to the National Gallery of Art; and provided further, that in no event and under no circumstance shall this trust indenture be altered, modified, amended, or supplemented as respects the provisions of article VIII hereof, it being the intention and one of the express conditions of the gift hereby made by the donor that the trust hereby created shall perpetually be administered by trustees constituted in accordance with the provisions of article VIII hereof.

For the purpose of this section IX, the A. W. Mellon Educational and Charitable Trust shall be conclusively deemed to have been terminated if three-fourths of the entire membership of the trustees, after such careful inquiry as they shall deem to be sufficient, shall be of the opinion that such trust no longer continues to exist.

In witness whereof, the A. W. Mellon Educational and Charitable Trust has caused this indenture of trust to be executed by the hands and seals of the trustees thereof; the Smithsonian Institution, pursuant to a resolution duly adopted by its Board of Regents, has caused this indenture of trust to be signed and its official seal to be hereunto affixed by its secretary; and the trustees of National Gallery of Art have caused this indenture of trust to be executed by the hands and seals of the trustees, all as of the day and year first above written.

THE A. W. MELLON EDUCATIONAL
AND CHARITABLE TRUST,

By (Signed) ANDREW W. MELLON,
(Signed) PAUL MELLON,
(Signed) DONALD D. SHEPARD,

(Signed) DAVID K. E. BRUCE,
Trustees thereof.

[SEAL]

SMITHSONIAN INSTITUTION,

By (Signed) C. G. ABBOT, *Secretary.*

NATIONAL GALLERY OF ART,

By (Signed) CHARLES EVANS HUGHES,

(Signed) CORDELL HULL,

(Signed) HENRY MORGENTHAU, JR.,

(Signed) C. G. ABBOT,

(Signed) A. W. MELLON,

(Signed) DAVID K. E. BRUCE,

(Signed) DUNCAN PHILLIPS,

(Signed) S. PARKER GILBERT,

(Signed) DONALD D. SHEPARD,

Trustees thereof.

At the same meeting of the Board of Regents the following gentlemen were appointed as general trustees of the National Gallery of Art:

Mr. Donald D. Shepard, for the term expiring July 1, 1939;

Mr. S. Parker Gillbert, for the term expiring July 1, 1941;

Mr. Duncan Phillips, for the term expiring July 1, 1943;

Mr. David K. E. Bruce, for the term expiring July 1, 1945;

Mr. A. W. Mellon, for the term expiring July 1, 1947.

Following this final step in the consummation of Mr. Mellon's gift to the Nation, work was started promptly on the preparation of the site. The architect selected for the building by Mr. Mellon was John Russell Pope, the architect for many art galleries, museums, and public buildings here and abroad, including the National Archives Building, Constitution Hall, the Masonic Temple, and others in Washington. According to Mr. Pope, the building will follow the finest traditions of American architecture and will be carefully scaled in proportion with the surrounding buildings. Constructed of marble, the gallery will be 829 feet long, about 350 feet wide at its greatest width, with the central dome 150 feet high. Mr. Pope has assured that the building will incorporate all the best features of the world's art galleries, and in certain respects will be in advance of any existing gallery, notably in relation to lighting and in provision to lessen the fatigue of visitors.

Regarding the collection itself, which will be installed in the building upon its completion and which will form the nucleus and establish the standard of excellence of the National Gallery of Art, the following brief description was given before the House Committee on the Library by Mr. David E. Finley:

"Mr. Mellon has been making this collection for more than 40 years. It is not large as regards the number of pictures. It contains something like a hundred paintings by old masters. But practically all are important, for Mr. Mellon has tried to buy not only paintings by the greatest masters, but also the best examples of their work obtainable. As a result, everyone who sees the collection—and many of the greatest experts in this country and Europe have seen it—is impressed with the exceptional quality of the pictures.

* * * * *

"In range it covers all the important schools of western European painting. The Italian school is particularly well represented by painters such as Raphael, Perugino, Botticelli, Fra Angelico, Titian, Bellini, Antonello di Messina, and by such rare and early masters as Cimabue, Masaccio, and Andrea del Castagno. There is a Byzantine Madonna and Child, painted in Constantinople early in the thirteenth century, which takes the collection back to the very source of western art, and with the other paintings gives a historical sequence to the collection that will prove very valuable to students.

"The Flemish school is represented by most of its greatest painters, beginning with the Annunciation by Jan van Eyck, and continuing through Petrus Christus, Rogier van der Weyden, Memling, Gerard David, and ending with two magnificent Rubens from the Hermitage Gallery and three Van Dycks, including the exceptionally fine portrait, painted in Genoa, of the Marchesa Balbi.

"In the Dutch school there are several outstanding examples of Rembrandt and Frans Hals and three Vermeers, as well as several Hobbemas, and works by Terburg, Metsu, deHoogh, and so forth.

"The Spanish paintings include three portraits by Velasquez, one of Pope Innocent X from the Hermitage, being particularly important. There are also four Goyas and two El Greco's, while the German and French paintings include such names as Holbein, Dürer, and Chardin. The British school is quite largely represented by

works of Gainsborough, Reynolds, Raeburn, Romney, Lawrence, Hopner, Turner, and Constable.

"In addition to these paintings, Mr. Mellon also acquired a number of portraits by important American painters, such as Gilbert Stuart, Copley, West, Sully, and others. He bought also, in its entirety, the Clarke collection of American portraits, containing some 175 paintings by practically all our earlier well-known American painters. This was not done with the idea that these should go into the National Gallery of Art, but rather that such as were suitable and of general or historic interest should form the nucleus of a National Portrait Gallery, which should be entirely distinct from the art gallery and would be housed, eventually at least, in its own building. A few of the finest of these portraits, which have the greatest artistic merit, will find their place in the art gallery and will form a fitting sequence to the British art of the eighteenth century represented in the collection.

"There is just one other matter that I must mention. Mr. Mellon's idea had been originally that the gallery should be for paintings only. Then an opportunity came to buy the Dreyfus collection of Renaissance sculpture—a collection that had been in the making in Paris for many years and included outstanding works by such great artists as Donatello, Verrocchio, Desiderio da Settignano, Luca della Robbia, and others. Naturally, such an opportunity could not be refused and he acquired these sculptures. He also bought two very important large bronzes by Sansovino and a Mercury by Giovanni da Bologna, all of which will find their place in the new gallery, either with the paintings or near them."

This report covers only the year ending June 30, 1937, but to anticipate slightly the next fiscal year, I must record here with profound regret the death of Mr. Mellon on August 26, 1937, and of Mr. Pope on August 27, 1937. It is indeed tragic that these two men could not have lived to see the completion of this splendid project—a remark which will be repeated by many of the millions of Americans who in future years will enter the National Gallery of Art to benefit from Mr. Mellon's patriotic gift to the Nation.

PROPOSED SMITHSONIAN GALLERY OF ART

On March 15, 1937, a joint resolution was introduced in the House of Representatives by Mr. Keller of Illinois to establish a Smithsonian Gallery of Art for the proper housing and display of the national collections of fine arts. These collections have been in the custody of the Smithsonian Institution for many years, and since 1920 have been administered by the Institution as a Government bureau officially designated the National Gallery of Art. Lacking a building for their public exhibition, these valuable art collections have been shown in the Natural History Building of the United States National Museum. With the creation in 1937 of the new National Gallery of Art as a result of the munificent gift of Andrew W. Mellon, the Smithsonian gallery was officially renamed the National Collection of Fine Arts. It is for the proper housing of this collection, now valued at approximately \$10,000,000, that the present joint resolution provides.

The resolution sets aside a tract of land on the Mall between Twelfth and Fourteenth Streets and Constitution Avenue and North Mall Drive; creates a Smithsonian Gallery of Art Commission to make preliminary investigations and obtain designs for the building; authorizes the appropriation of \$4,800,000 for the building; authorizes annual appropriations for the maintenance of the gallery; and states the policy of the gallery as follows:

"SEC. 7. It shall be the policy of the gallery to maintain a worthy standard for the acceptance of art objects or exhibition in the Smithsonian Gallery of Art; to foster by public exhibitions from time to time in Washington and other parts of the United States a growing public appreciation of art both of past and contemporary time; and further, as funds are available, to encourage the development of art by the purchase of worthy examples of contemporary or other art works, and to invite the private donation of funds therefor.

"SEC. 8. The Smithsonian Gallery of Art shall be under the administration of the Regents and Secretary of the Smithsonian Institution."

The resolution did not pass the first session of the Seventy-fifth Congress, but it is hoped that favorable action may be taken at the next session.

For many years the Smithsonian Institution has urged the construction of a suitable building for the housing and public exhibition of the art collections belonging to the Nation. These collections contain many works of art of high quality, mainly gifts from private citizens, and there is no doubt that many more such gifts would be made were proper exhibition space available. As much of the collection as possible has been exhibited to the public in the halls of the National Museum, but the available space there was not specifically designed for the display of art works, and in spite of being overcrowded, the space is entirely inadequate, so that many

things which should be on exhibition are forced into storage. It is the urgent hope of the Institution that the proposed Smithsonian Gallery of Art may become a reality in the near future.

It will in no sense be a duplication of the newly received National Gallery, for the National Gallery is restricted to classic painting and sculpture, leaving the fields of National collections in contemporary art of all kinds, portraits, jewels, glass, tapestry, and other kinds of art unprovided for. There is already a large national collection of such objects, and every reason to expect great increase if a suitable gallery were available.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The original legislation creating the National Cultural Center (subsequently named the John F. Kennedy Center for the Performing Arts) was introduced in the Senate by Senator Fulbright (S. 3335) and in the House by Congressman Frank Thompson (H.R. 9848) in January 1958. The bill was to provide for erection of a National Capital Center for the Performing Arts, to be constructed with funds raised by voluntary contributions on land donated by the Government, located in the District of Columbia. The original bill would have placed responsibility for administering the Center in the Board of Regents on a site originally designated by the 1938 Act for a Smithsonian Gallery of Art. However, these provisions were changed.

Controversy developed over the site recommended in the National Capital Center bill since the site referred to had been set aside pursuant to the 1938 Act for construction of an art gallery. The plan for this gallery changed when the possibility of the transfer of the old Patent Office Building for art gallery purposes became known. Legislation subsequently enacted provided for the transfer of the Patent Office Building to the Smithsonian and assignment of the site on the Mall as a location for the National Air Museum.

The coauthors of the two Cultural Center bills worked out an amendment to S. 3335 proposing the building to be located on a site in Foggy Bottom near the Potomac River. Subsequently, other amendments were agreed upon resulting in the enactment of P.L. 85-874 on September 2, 1958.

It should be noted that Congressman Thompson, who sponsored the legislation in the House, stated that he had prepared a tentative draft of the bill based on Public Resolution No. 14, 75th Congress, which established the National Gallery of Art. Mr. Thompson, in discussing the bill, said that it provided first, that the Federal Government donate a choice site for the cultural center in the same way it donated land for the Mellon and Freer art galleries; secondly, it gives the National Cultural Center the same status in the Federal Government as the Mellon Gallery, and, the Mellon Gallery is a branch of the Smithsonian Institution.

It should also be noted that during the period January to September, 1958, when this matter was being heard by both the House and Senate Committees on Public Works, Senators Anderson and Saltonstall were members of the Board of Regents. Senator Anderson took an active part in this legislation. Senator Fulbright, the sponsor and prime mover of this bill in the Senate, became a Regent in 1959.

The Board of Regents received reports at its meetings in January 1959, January 1960, May 1960, May 1962, and May 1963 regarding progress on National Cultural Center matters.

The Act, a copy of which is attached, provided that:

"Sec. 2(a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Cultural Center, whose duty it shall be to maintain and administer the National Cultural Center and site thereof and to execute such other functions as are vested in the Board by this Act * * *.

* * * The Board shall be composed as follows: . . . the Secretary of the Smithsonian Institution

Sec. 3. The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the National Cultural Center on a site in the District of Columbia * * *.

Sec. 6(c) The Board shall submit to the Smithsonian Institution an annual report of its operations under this Act, including a detailed statement of all public and private moneys received and disbursed by it.

Sec. 7(a) This Act shall cease to be effective, and all offices created by this Act and all appointments made under this Act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the National Cultural Center have been received by the Trustees of the National Cultural Center within five years after the date of enactment this Act.

(b) If the offices of Trustees of the National Cultural Center terminate under the provisions of subsection (a), all funds and property . . . shall vest in the Board of Regents of the Smithsonian Institution to carry out the purposes of the Act entitled "An Act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution", approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such Act.

* * * * *

In the Regents meeting of May 15, 1963, the Secretary stated that if the Board of Regents does not find that sufficient funds to construct the National Cultural Center have been received by the Trustees of the National Cultural Center by September 2, 1963, the National Cultural Center will terminate on that date unless legislation is enacted before that date to amend Section 7(a) of the present law.

The Regents at that meeting considered the difficulty of money raising and voted ". . . that in view of the very substantial progress that has been made it would support a legislative proposal of the Trustees to extend the existing five-year period."

Shortly thereafter, upon the death of President Kennedy, Senate Joint Resolution 136, introduced by Senators Fulbright, Saltonstall and Anderson, all Regents of the Institution, was enacted renaming the National Cultural Center the John F. Kennedy Center for the Performing Arts. Other changes included in the Resolution provided that "The Board of Trustees of the Center is directed to provide for a suitable memorial within the Center for the late President, which cannot be created until approved by the Board of Regents" and that the Act was extended for an additional three years, to September 2, 1966.

It is of interest to note that the Regents at their meeting on January 17, 1966, found that funds received by the Trustees "are sufficient to proceed with construction" and the Regents subsequently approved the sculpture of John F. Kennedy as the memorial to him in the Center.

The only remaining relationship with the John F. Kennedy Center for the Performing Arts is that the Secretary of the Smithsonian Institution is a member ex officio of the Board of Trustees and the Board of Trustees shall submit an annual report on its operations to the Smithsonian Institution, which it does.

The Board of Trustees is responsible for the maintenance and administration of the Center and although the Board of Trustees has constructed the building for the Smithsonian Institution and the Board accepts gifts, bequests, etc., for the Smithsonian Institution, the Smithsonian has no continuing responsibility for it.

JOHN F. KENNEDY CENTER ACT

Public Law 85-874, 85th Congress, 72 Stat. 1698, September 2, 1958

Amended September 21, 1959, Public Law 86-297, 73 Stat. 573

Amended August 19, 1963, Public Law 88-100, 77 Stat. 128

Amended January 23, 1964, Public Law 88-260, 78 Stat. 4

AN ACT

To provide for a John F. Kennedy Center for the Performing Arts which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "John F. Kennedy Center Act".

BOARD OF TRUSTEES

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereafter in this Act referred to as the "Board"), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof and to execute such other functions as are vested in the Board by this Act. The Board shall be composed as follows: The Secretary of Health, Education, and Welfare, the Librarian of Congress, the Assistant Secretary of State for Public Affairs, the Chairman of the Commission of Fine

Arts, the President of the Board of Commissioners of the District of Columbia, the Chairman of the District of Columbia Recreation Board, the Director of the National Park Service, the Commissioner of the United States Office of Education, the Secretary of the Smithsonian Institution, three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives ex officio; and thirty general trustees who shall be citizens of the United States, to be chosen as herein-after provided.

(b) The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to the date of enactment of the National Cultural Center Amendments Act of 1963 shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972.

(c) There shall be an Advisory Committee on the Arts composed of such members as the President may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the John F. Kennedy Center for the Performing Arts. The President shall designate the Chairman of the Advisory Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried on in the John F. Kennedy Center for the Performing Arts. The Advisory Committee on the Arts shall assist the Board in carrying out section 5(a) of this Act. Members of the Advisory Committee on the Arts shall serve without compensation, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

SEC. 3. The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

DUTIES OF THE BOARD

SEC. 4. The Board shall—

- (1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,
- (2) present lectures and other programs,
- (3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation,
- (4) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts,
- (5) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President.

POWERS OF THE BOARD

SEC. 5. (a) The Board is authorized to solicit and accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities

or other property of whatsoever character for the benefit of the John F. Kennedy Center for the Performing Arts. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the John F. Kennedy Center of the Performing Arts. The income as and when collected shall be placed in such depositaries as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the John F. Kennedy Center for the Performing Arts and of such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office.

(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

ADMINISTRATION

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function notwithstanding vacancies and twelve members of the Board shall constitute a quorum for the transaction of business.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) The Board shall submit to the Smithsonian Institution and to Congress an annual report of its operations under this Act, including a detailed statement of all public and private moneys received and disbursed by it.

(d) The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 4 of this Act, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial.

TERMINATION

SEC. 7. (a) This Act shall cease to be effective, and all offices created by this Act and all appointments made under this Act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the John F. Kennedy Center for the Performing Arts have been received by the Trustees of the John F. Kennedy Center for the Performing Arts within eight years after the date of enactment of this Act.

(b) If the offices of Trustees of the John F. Kennedy Center for the Performing Arts terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the Trustees of the John F. Kennedy Center for the Performing Arts under section 5(a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the Act entitled "An Act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such Act; except that such funds or property, and the income therefrom, shall vest in an organization designated by the donor of such funds or property at the time of the making of the donation thereof, if, at such time, such organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and is exempt under section 501(a) of such Code, and if, at such time, a contribution, bequest, legacy, devise, or transfer to such organization is deductible under section 170, 2055, or 2106 of such Code.

APPROPRIATIONS

SEC. 8. There is hereby authorized to be appropriated to the Board for use in accordance with this Act, amounts which in the aggregate will equal gifts, bequests,

and devises of money securities, and other property, held by the Board under this Act, except that not to exceed \$15,500,000 shall be appropriated pursuant to this section.

BORROWING AUTHORITY

SEC. 9. To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than \$15,400,000. The interest payments on such bonds may be deferred with the approval of the Secretary of the Treasury but any interest payments so deferred shall themselves bear interest after June 30, 1972. Deferred interest may not be charged against the debt limitation of \$15,400,000. Such obligations shall have maturities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the obligations of the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Board's obligations under this section.

GIFTS TO UNITED STATES

SEC. 10. The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which he finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this Act, as in his judgment will best effectuate the intent of the donor.

NATIONAL MEMORIAL

SEC. 11. The John F. Kennedy Center for the Performing Arts, designated by this Act, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

NOTE.—Public Law 88-260 entitled "Joint Resolution providing for renaming the National Cultural Center as the John F. Kennedy Center for the Performing Arts, authorizing an appropriation therefor and for other purposes," approved January 23, 1964, contained the following preamble and section:

"Whereas the late John Fitzgerald Kennedy served with distinction as President of the United States, and as a Member of the Senate and House of Representatives; and

"Whereas the late John Fitzgerald Kennedy dedicated his life to the advancement of the welfare of mankind; and

"Whereas the late John Fitzgerald Kennedy was particularly devoted to the advancement of the performing arts within the United States; and

"Whereas by his untimely death this Nation and the world has suffered a great loss; and

"Whereas it is the sense of the Congress that it is only fitting and proper that a suitable monument be dedicated to the memory of this great leader; and

"Whereas the living memorial to be named in his honor by this joint resolution shall be the sole national monument to his memory within the city of Washington and its environs:

"Sec. 2. In addition to the amendments made by the first section of this Act, any designation or reference to the National Cultural Center in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such Center as the John F. Kennedy Center for the Performing Arts."

*Compilation by Ralph E. Becker, General Counsel,
John F. Kennedy Center for the Performing Arts.*

VALUE OF SPECIAL EXHIBITS GALLERY

Mr. RIPLEY. Is this for fiscal year 1982, Mr. Chairman?

Mr. YATES. No, I think this is a forever document, isn't it? No, nothing is forever.

Did you want to make additional comments on that, David?

Mr. CHALLINOR. Only to show an example, Mr. Chairman, of the value of this particular gallery that will allow us now finally to have a place to exhibit some of the treasures in the Museum of Natural History that have been there for 100 years or more.

Mr. YATES. So what you are trying to do is to make the Museum of Natural History as glamorous as the Museum of History and Technology?

Mr. CHALLINOR. Healthy competition.

Mr. YATES. The National Museum of American History, I stand corrected.

Mr. RIPLEY. We like the words History and Technology.

EXHIBITS PROGRAM IMPROVEMENT AT THE NATIONAL MUSEUM OF NATURAL HISTORY

Mr. YATES. Page A-22 of the justification shows that you want a million dollars to refurbish that one hall, is that correct? Exhibits Program Improvement, \$190,000. Amount of funds available, approximately \$1 million annually. This has remained static for at least the past six years. Why has it remained static, pray tell us?

Mr. CHALLINOR. Mr. Chairman, that \$1 million has been in our base since 1974 or 1975. When we got that for exhibits at the museum we had scheduled and opened a new hall about once a year. As a result of inflation now we have fallen way behind our original schedule and if you are interested I have attachment 2 here which I can show you how far we have fallen behind.

Mr. YATES. Why did you fall behind? If the money was made available, why did you fall behind?

Mr. CHALLINOR. Because of inflation. This \$1 million base is primarily used for salaries for the kinds of people who actually build these exhibits and also for the purchase of equipment that we need such as plexiglas and lumber, all of which has increased at a rate which we showed you or which we referred to in the record in our general statement.

Mr. YATES. That is on page 22, David.

Mr. CHALLINOR. I know. I am just pointing out that the increase in the price of these objects which are on page A-9 and following, we are talking about the period of increase of this equipment as well as salaries. We are looking now for \$190,000 to get us back to the schedule we had originally set in 1975 when we first got this appropriation. The halls are badly in need of renovation, some of them are 20 years old and have not been changed and our schedule has now been so eroded by inflation that we are looking for an additional \$190,000.

Mr. YATES. What will that enable you to do, get to work again?

Mr. CHALLINOR. That will get us back to scheduling one new hall a year.

LITIGATION RELATING TO EVOLUTION

Mr. YATES. What is the status of the Crowley suit? Do you want to tell us about that?

Judge Powers, what did the court say; do you have a copy of their decision?

Mr. POWERS. Yes, I can provide that.

Mr. YATES. Was it long or short?

Mr. POWERS. About eight pages.

Mr. YATES. All right. I would like to see it. Would you furnish the committee with a copy?

Mr. POWERS. Certainly. The time for the Supreme Court has expired so I believe the case is over.

[The information follows:]

Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S.App.D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 79-1193

DALE CROWLEY, JR., Individually & in his capacity
as Executive Director of the National Foundation
for Fairness in Education, *et al.*, APPELLANTS

v.

SMITHSONIAN INSTITUTION, *et al.*

Appeal from the United States District Court
for the District of Columbia
(D.C. Civil Action No. 78-0641)

Argued January 8, 1980

Decided October 30, 1980

David C. Gibbs, Jr., a member of the bar of the Supreme Court of Ohio, *pro hac vice*, by special leave of court, with whom *George R. Douglas, Jr.*, was on the brief, for appellants.

Bills of costs must be filed within 14 days after entry of judgment. The court looks with disfavor upon motions to file bills of costs out of time.

Mark J. Biros, Assistant United States Attorney, with whom *Carl S. Rauh*, United States Attorney at the time the brief was filed, *John A. Terry* and *William H. Briggs, Jr.*, Assistant United States Attorneys, were on the brief, for appellees. *Regina C. McGranery*, Assistant United States Attorney, also entered an appearance for appellees.

Before *TAMM* and *MACKINNON*, Circuit Judges, and *LOUIS F. OBERDORFER*,* U.S. District Judge for the District of Columbia.

Opinion for the court filed by *District Judge OBERDORFER*.

OBERDORFER, *District Judge*: Appellants are an individual and two organizations, the National Foundation for Fairness in Education and National Bible Knowledge, Inc. They refer to their conception of the origin of life as "scientific creationism." They assert that by marshalling and interpreting data in a scientific way, they can support the proposition that human and other forms of life were brought into existence in completed form, all at one time, by a Creator.¹ They conscientiously disagree with the theory of evolution which postulates that all plant, animal, and human life "have arisen from a single source which itself came from an inorganic form."²

Appellees are the Smithsonian Institution and two Smithsonian employees. Using federal funds, appellees planned (for 1979) and conducted (in 1978) two exhibitions containing references to evolution at the Smithsonian's Museum of Natural History (Museum). The exhibit presented at the Museum in 1978 was entitled "The

*Sitting by designation pursuant to 28 U.S.C. § 292(a) (1976).

¹See, e.g., H. Morris, *The Scientific Case for Creation* (1977), and other works collected in Note, *Freedom of Religion and Science Instruction in Public Schools*, 87 Yale L.J. 515, 554 n.197 (1978).

²G. Kerkut, *Implications of Evolution* 157 (1960), cited in Note, *supra* note 1, at 515 n.2.

Emergence of Man." The one planned for (and presumably completed in) 1979, contemplated using specimens from the Museum's collection to dramatize the diversity of life on Earth, the adaptation of plant and animal life to their environments, and the way in which organisms change over time in response to environmental and other influences.

Appellants sued in the United States District Court for the District of Columbia for a declaratory judgment that the Smithsonian's charter (20 U.S.C. § 41 *et seq.*) did not authorize the use of federal funds for such exhibits and that, if the charter did authorize such use of federal funds, the charter and the expenditures violated the first amendment's prohibition against the establishment of religion and inhibited appellants' free exercise of their religion. Appellants urged that by explaining and advocating the theory of evolution, appellees unconstitutionally supported the religion of Secular Humanism.³ Appellants sought an injunction prohibiting the exhibits and federal funding of them or, in the alternative, an order requiring appellees to commit equal funds to explain creation along the lines of the Biblical account in Genesis.

Appellees moved in the District Court for dismissal or, in the alternative, for summary judgment on the grounds that (1) appellants lacked standing to challenge the statutory authority of the appellees,⁴ (2) appellants constitutional argument was foreclosed by Supreme Court deci-

³The record establishes without contradiction that Secular Humanism advocates, in addition to the theory of evolution, such causes as the right to divorce, birth control, universal education, and a world community. There is no suggestion in the record, however, of any institutional or contractual relationship between appellees and any institution or group espousing Secular Humanism.

⁴We shall, as did the District Court, "assume standing and proceed because the merits [of the statutory challenge] go clearly against the plaintiffs." *Crowley v. Smithsonian Institution*, 462 F. Supp. 725, 726 (D.D.C. 1978).

sions authorizing public schools to teach evolution, (3) the evolution exhibits were essentially secular, did not primarily affect or advance religion nor excessively entangle government in it, and (4) the relief sought by appellants would itself violate the establishment clause.

Appellants opposed summary judgment as inappropriate. They disputed whether the exhibits were religious or secular, and whether evolution itself is a scientific theory in light of the fact that it cannot be proven in a laboratory. The District Court refused to accept appellants' description of evolution "as, and only as, part of the religion of secular humanism." *Crowley v. Smithsonian Institution*, 462 F. Supp. 725, 726 (D.D.C. 1978). The District Court also noted that appellees do not themselves treat evolution as a religious matter nor have they explicitly expressed any hostility to religious theories of creation. It concluded from these facts that it could not accept the characterization of these issues as materially factual. Applying, then, the well-established test as it is stated in *Tilton v. Richardson*, 403 U.S. 672, 678 (1971), the District Court concluded that (1) appellees' "presentation of evolutionary theory has the solid secular purpose of 'increasing and diffusing knowledge among men'" and that appellees do not "oppose or show hostility to religion" and do not "create a religion of secularism;" 426 F. Supp. at 727, (2) the exhibits neither advance a religious theory nor inhibit appellants in theirs; (3) neither the Smithsonian enabling legislation nor the exhibits involve excessive entanglement with religion; and (4) the appellants' free exercise of their religion is not actionably impaired merely because, should they visit the Smithsonian, they may be confronted with exhibits which are distasteful to their religion.

Appellants' appeal focuses specifically on whether there were genuine issues of material fact which precluded decision by summary judgment and whether the District Court viewed the inferences to be drawn from appellants' plead-

ings and affidavits in a light most favorable to appellants. Appellants claim both that the trial court should not have resolved by summary judgment the question of whether the exhibits were secular in nature as displaying scientific knowledge and that the trial court failed to draw the inferences necessary under the law as to "the religious nature of evolution and the preferred position given this religious belief system by appellees in violation of the First Amendment . . ." Appellants' brief at p. 27. Appellees' response basically tracked and supported the trial court's memorandum. Satisfied that there were no material facts in dispute and that the trial court correctly decided the legal issues, we affirm.

I.

The Smithsonian Institution was created by the Act of August 10, 1846, "to increase and diffuse knowledge among men." 20 U.S.C. § 41. The National Museum of Natural History is a bureau of the Smithsonian. The Museum is authorized to receive "all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States . . ." 20 U.S.C. § 50. This authority is governed by and in aid of the overriding charter of the Institution. 20 U.S.C. § 41. According to the uncontradicted affidavit of the Museum director, himself an appellee in this case, the Museum "is considered one of the world's major centers for the study of plants, animals, fossil organisms, terrestrial and extraterrestrial rocks and minerals, and man himself."⁵

⁵ Affidavit of Porter M. Kier, Director of the National Museum of Natural History, June 26, 1978, Appendix (App.) at p. 44. According to Dr. Kier, the Museum alone has a staff of over 110 professional scientists who "conduct original research and care for the national collections of some 60 million scientific study specimens. The museum has seven scientific departments—anthropology, botany, entomology, invertebrate zoology, paleobiology, mineral sciences and vertebrate zoology."

There has been no dispute about the physical elements of the exhibits in question. The exhibit planned for 1979 was to emphasize specimens from the Museum's collection depicting adaptations of plants and animals to their environment by such devices as camouflage, the overproduction of offspring and other defense mechanisms. It was to include an introductory display of a variety of specimens such as trays of bird eggs, mammal skulls, and jars of amphibians. App. at p. 62. There were also to be displays on genetics, natural selection, and one showing differentiation of populations. App. at pp. 62-78.

The 1978 exhibit, the "Emergence of Man," is described in an accompanying pamphlet as "the story of how, when and where modern human beings evolved from homonid ancestors who lived millions of years ago." App. at 52. This exhibit, consisting of data from the natural world, illustrated the physical similarities and differences between man and what were reported to be genealogical ancestors.

The concept of evolution was referred to in these exhibits. They did not, however, express implicitly or explicitly "that the evolutionary theory of the origin of man and of all plants and animal life is 'the only credible theory of the origin of life.'" Affidavit of Porter M. Kier, Director of the National Museum of Natural History, App. at p. 46. The exhibits did not mention religion in general or Secular Humanism in particular. Neither by their terms nor by implication did the exhibits disparage religion or any religious tenet.

Appellants' opposition to the summary judgment motion was essentially a challenge to the concept of evolution. It questioned whether that concept is any more susceptible to scientific proof than appellants' concept of the supernatural origins of life, and characterized this issue as one of material fact. In support of their contentions, they offered the affidavit, among others, of Dr. Richard B. Bliss, Director of Curriculum Development for the Institute of Creation Research of San Diego, California. Dr. Bliss' af-

fidavit characterized evolution as "a nonobservable and alleged phenomenon which can neither be proven nor verified by the scientific method. . . . [E]volution of life from primal matter is impossible to observe" App. at 37. Since the evolution theory cannot be tested by the scientific method, according to Dr. Bliss' opinion, it is not a true science, but is a "faith position." In addition, Dr. Bliss' affidavit stated, from personal observation of the exhibits in question, but without specification, that they contained "false and misleading statements concerning evolution" and that the exhibits are indoctrinating the public in the faith of evolution. App. at page 39. Finally, Dr. Bliss asserted that, in his opinion, evolution itself is a religion and that many evolutionists so acknowledge and "promote" it as such. App. at p. 39.

II.

Assuming, *arguendo*, that, as asserted in Dr. Bliss' affidavit, the evolution theory cannot be proved "scientifically" in the laboratory and in that sense rests ultimately on "faith," such fact is not material because it would not establish as a matter of law that the exhibits in question establish any religion such as Secular Humanism.

The fact that religions involve acceptance of some tenets on faith without scientific proof obviously does not mean that all beliefs and all theories which rest in whole or in part on faith are therefore elements of a religion as that term is used in the first amendment. For example, appellees suggest that the theory of relativity defies absolute laboratory proof. Obviously the constitution would not interdict government development and diffusion of knowledge about relativity even if it were based on some hypotheses which are not susceptible to physically demonstrable proof.

Nor does it follow that government involvement in a subject which is also important to practitioners of a religion becomes, therefore, activity in support of religion.

For example, birth control and abortion are topics that involve both religious beliefs and general health and welfare concerns. Many religious leaders have vigorously opposed government support of the teaching and practice of birth control and government support, or even toleration, of abortion. Controversy, including litigation, about these subjects has been prolific and spirited. See, e.g., *Williams v. Zbaraz*, 100 S.Ct. 2694 (1980); *Civil Awareness of America Ltd. v. Richardson*, 343 F. Supp. 1358 (E.D. Wis. 1972); *Committee to Defend Reproductive Rights v. Myers*, 93 Cal. App. 3d 492 (1979) (hearing granted). No court, however, has finally held that government advocacy of or opposition to either birth control or abortion violates the establishment clause of the first amendment. Indeed, the Supreme Court recently and summarily rejected an argument that the limiting of medicaid funds for abortions violated the establishment clause "because it incorporates into law the doctrines of the Roman Catholic Church . . ." *Harris v. McRae*, 100 S.Ct. 2671, 2689 (June 30, 1980). The Court reasoned that:

Although neither a State nor the Federal Government can constitutionally "pass laws which aid one religion, aid all religions, or prefer one religion over another," *Everson v. Board of Education*, 330 U.S. 1, 15 . . . , it does not follow that a statute violates the Establishment Clause because it "happens to coincide or harmonize with the tenets of some or all religions." *McGowan v. Maryland*, 366 U.S. 420, 442

Id. So here, we cannot conclude that the exhibits in question are impermissible because their message may coincide or harmonize with a tenet of Secular Humanism or may be repugnant to creationism.

Our resolution of appellants' establishment claim as a matter of law disposes of their procedural contention that the District Court erroneously resolved a material issue of fact short of trial. The dispute about whether the evolution theory was based on scientific proof or on faith is im-

material to the question of whether the Smithsonian exhibits supported establishment of Secular Humanism as a religion. The fact that appellants were able to identify one religious group that espoused evolution as one of its tenets is immaterial. Accordingly, we are satisfied that the District Court did not leave unresolved any material issues of fact.⁶

III.

Although the foregoing discussion furnishes an adequate basis for decision, we briefly address the trial court's disposition of appellants' substantive contentions that (1) the appellees' use of federal funds for the exhibits exceeded their authority under the Act of 1846 and (2) if the expenditures were authorized, the Act and the activity of conducting the exhibits violated the first amendment.

1.

Appellants appear not to press their statutory claim in this appeal. We have nevertheless satisfied ourselves from the plain language of the Act, the record, and from judicial notice of the Smithsonian's varied public activities that the exhibits at issue here were well within the appellees' charter from Congress "to increase and diffuse knowledge among men." The exhibits used the Museum's specimens. They were related to and based upon those specimens. The exhibits were marshalled in an orderly way. They related to various aspects of the theory of evolution. That theory has widely disseminated, responsible, secular endorsement.⁷ Accordingly, we affirm the District Court's conclu-

⁶See Rule 56(e), Fed. R. Civ. P., that an adverse party to a motion for summary judgment "may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial."

⁷For a widely circulated, secular statement about evolution

sion that the financing and the display of the exhibits were well within appellants' statutory authority.

2.

Courts should be particularly sensitive to claims by groups that government is involved in their religion either by interfering with it, or by supporting a competing theology. The Supreme Court has mandated "government neutrality between religion and religion, and between religion and non-religion." *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968). Government, including its judicial branch, is cautioned not "to require that teaching and learning must be tailored to the principles or prohibitions of any religious sect or dogma." *Id.* at 106; *see also Everson v. Board of Education*, 330 U.S. 1, 15-16 (1947). The constitution, either by operation of the first amendment or the fourteenth, protects a citizen's right to receive information and to "acquire useful knowledge." *See, e.g., Red Lion Broadcasting Co. v. F.C.C.*, 395 U.S. 367, 389-90 (1969); *Stanley v. Georgia*, 394 U.S. 557, 564 (1969); *Lamont v. Postmaster General*, 381 U.S. 301, 306-07 (1965); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Bartels v. Iowa*, 262 U.S. 404 (1923).

Application of the Supreme Court's caution to this case necessarily requires a balance between appellants' free-

and a selected bibliography on the subject, see *Evolution*, in 7 *Encyclopedia Britannica* 7-23 (1974).

Appellants do not allege or suggest that the theory of evolution was originated by a religious institution or a religious leader. They do not deny that it is the subject matter of active secular research and scholarship. Accordingly, approval of financial support of the exhibits here at issue would not foreclose a conclusion in some other case that government financial support of a theory of the origin of life advocated by religious groups, but with less substantial support from secular research and scholarship, would be impermissible establishment of religion.

dom to practice and propagate their religious beliefs in creation without suffering government competition or interferences and appellees' right to disseminate, and the public's right to receive, knowledge from government, through schools and other institutions such as the Smithsonian. This balance was long ago struck in favor of diffusion of knowledge based on responsible scientific foundations, and against special constitutional protection of religious believers from the competition generated by such knowledge diffusion.

Thus, the essential question posed by appellants has been resolved by authoritative decisions permitting public schools to teach the facts and theory of evolution to children who, unlike appellants, are compelled by law to come and look and listen. Such public involvement in evolution was not only permitted by the first amendment, but the Courts have further held that to bar or inhibit such teaching would, under some circumstances, itself violate the establishment clause. See *Epperson v. Arkansas*, 393 U.S. at 271; *Daniel v. Waters*, 515 F.2d 485 (6th Cir. 1975); *Wright v. Houston Independent School District*, 366 F. Supp. 1208 (S.D. Tex. 1972), aff'd, 486 F.2d 137 (5th Cir. 1973), cert. denied sub. nom. *Brown v. Houston Independent School District*, 417 U.S. 969 (1974); *Willoughby v. Stever*, Civil Action No. 1574-72 (D.D.C. August 25, 1972), aff'd mem., 504 F.2d 271 (D.C. Cir. 1974), cert. denied, 420 U.S. 927 (1975).

In view of the foregoing, it is unnecessary to labor and therefore we only note that we approve the District Court's application of the criteria as stated in *Tilton v. Richardson*, *supra*. The solid secular purpose of the exhibits is apparent from their context and their elements. They did not materially advance the religious theory of Secular Humanism, or sufficiently impinge upon appellants' practice of theirs to justify interdiction. Except insofar as appellants have themselves entangled religion in

the exhibits, there is no religious involvement as that concept is used in *Tilton*.⁸

Accordingly, the decision below is *affirmed*.

⁸Appellants have, at various stages of this litigation, contended that the exhibits at the Museum have interfered with the free exercise of their religion. This claim has not been pressed vigorously on appeal and we find it to be without merit. In any event, there is no allegation that such financial support has any "coercive effect" upon appellants' "practice of . . . religion." *Harris v. McRae*, *supra*, at 2690, quoting with approval, *Abington School District v. Schempp*, 374 U.S. 203, 223 (1963). Appellants allege no effect on their ability freely to exercise their religion or teach it to their children. *See Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Sherbert v. Verner*, 374 U.S. 398 (1963). Finally, appellants are under no compulsion to go to the Museum. If they choose to do so, they are free to avoid the exhibits which they find offensive and may focus on the other exhibits of which there are many. *Compare e.g.*, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943) with *Hamilton v. Regents*, 293 U.S. 245 (1934).

Mr. YATES. Mr. Crowley appeared before our committee to persuade us to cut off funds. He contended that the teaching of evolution at the Smithsonian is a violation of the First Amendment and Judge Powers indicates that is refuted by the Court of Appeals.

BASELINE INSECT STUDIES

Mr. YATES. On page A-23 you want some money for Baseline Studies on Target Insects of Economic Importance, \$64,000. When is it going to be completed?

Mr. CHALLINOR. We would look at that, Mr. Chairman, as an item in our base. What is turning out to develop is the problem of identifying down to species various harmful insects, at least harmful to people. Very often we spend a great deal of energy developing techniques to hit a specific insect thought to be causing a specific kind of economic damage, eating a crop, eating clothes or whatever. Further research has shown that these insects——

Mr. YATES. These are moths, aren't they?

Mr. CHALLINOR. They are moths but they are a very great deal more complicated than we thought. What we thought was a clothes moth now turns out to be several different kinds of moths that eat clothes. In this case we are trying to determine what these differences are at various stages in their life cycle. If you actually assume a loss in clothing, we hope to be able to target our attack on a specific clothes moth with various chemicals and thereby aim more precisely instead of the scatter-gun approach that we use now to try to kill all moths indiscriminately.

We support this effort because of the special expertise in the Museum of Natural History which has curators who can tell one kind of clothes moth from another. These experts are rare and we want to exploit this particular talent in the museum for a project that we think will be of great benefit to the country and to the whole world.

JUSTICE DEPARTMENT AND SMITHSONIAN LITIGATION

Mr. YATES. May I go back to Judge Powers for a moment. Did the Smithsonian employ outside counsel for that case?

Mr. POWERS. No, the Justice Department handled it.

Mr. YATES. The Justice Department represented you?

Mr. POWERS. Yes.

Mr. YATES. How does that happen?

Mr. POWERS. That is normal.

Mr. YATES. Do you ask the Justice Department to represent you in cases filed by individuals against the Smithsonian?

Mr. POWERS. Normally, yes.

Mr. YATES. What about the Johnson case?

Mr. POWERS. They handled that one, too.

Mr. YATES. On the will?

Mr. POWERS. Yes.

Mr. YATES. That is kind of a surprise. Do you reimburse them?

Mr. POWERS. They are having their own budget problems. I think they would like us to. They have very broad jurisdiction to handle cases in which the United States has an interest. I think our

presence here today indicates that the United States has an interest in the Institution.

Mr. YATES. Well, in most any kind of a case the United States would have an interest. It is like your mandate to increase and diffuse knowledge.

Mr. POWERS. We have wonderful help from the Department of Justice. I really think we could not survive without them.

Mr. YATES. Do you have any cases pending against the Smithsonian?

Mr. POWERS. About twelve.

Mr. YATES. What is the nature of the cases?

Mr. POWERS. There is one case in the Court of Claims, and there is the Johnson case which is not finished yet. I have a list of the cases here. We have a constitutional case involving the First Amendment as well.

Mr. YATES. That is the Crowley case, isn't it?

Mr. POWERS. No, that is one of the others.

Mr. YATES. What is the other one about?

Mr. POWERS. This is an employee that was fired and he said his rights were violated, the Foster case.

Mr. YATES. What rights were violated?

Mr. POWERS. He wrote a letter criticizing the man in charge of this program.

Mr. YATES. Is that the Chedister case?

Mr. POWERS. No.

Mr. YATES. Page 77 of the report of the January 26 meeting of the Board of Regents shows what the printed cases are; namely, the Chedister—well, I will just put them in the record at this point.

[The information follows:]

LITIGATION REPORT

New Cases: None

Cases Previously Reported

1. Chedister v. United States:

Plaintiff instituted this suit for back pay and related relief in the U.S. Court of Claims in August 1976, alleging that the Institution's termination in 1975 of his employment at the National Air and Space Museum was unlawful. Trial in this case was conducted in October 1978. On June 13, 1980, the trial judge recommended a decision entirely favorably to the United States/Smithsonian Institution. Exceptions to the recommendation of the trial judge have been taken by the plaintiff.

2. Crowley v. Smithsonian Institution:

This action, filed in April 1978 in the U.S. District Court for the District of Columbia, alleges that references to "evolution" in the exhibits of the National Museum of Natural History violate the "establishment of religion" clause of the First Amendment of the Constitution. Plaintiffs, two of whom are Baptist ministers, seek to enjoin the Smithsonian from in any manner depicting the theories of evolution or expending (federal) appropriated funds therefor, or, in the alternative, to compel the Smithsonian to expend an amount equal to that spent on evolution theory on the presentation of the "creation/design" theory based on the Book of Genesis. The motion to dismiss filed on behalf of the Smithsonian was granted in December 1978. On October 30, 1980, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the December 1978 decision of the District Court. To date the plaintiffs have not filed a petition for certiorari in the Supreme Court of the United States.

3. Foster v. Ripley:

This suit for wrongful dismissal was filed by a former Vice President of the Smithsonian Science Information Exchange, Inc. The plaintiff seeks damages against the corporation and its board members, as well as reinstatement. The U.S. District Court for the District of Columbia granted a summary judgment in favor of the defendant board members on August 23, 1977. A decision of the Court was

appealed by plaintiff. Oral argument on the appeal was heard on October 24, 1980. A decision of the U.S. Court of Appeals is pending.

4. There have been no recent developments in the following cases, which have been reported previously to the Board:

Bowler v. Ripley (racial discrimination)—Filed September 1977 in the U.S.D.C. for the District of Columbia. Pretrial discovery proceedings, as well as settlement negotiations, in process.

Dance v. Ripley (racial discrimination)—Filed August 1978 in the U.S.D.C. for the District of Massachusetts. Pretrial discovery proceedings in process.

Lucas v. Ripley (class action—sex and racial discrimination)—Filed July 1978 in the U.S.D.C. for the District of Columbia. Decisions on cross motions for summary judgment and petition for denial of class certification pending.

Petition of the United States on behalf and for the benefit of the Smithsonian Institution, Trustee (petition for construction of provisions of the J. Seward Johnson and Hunterdon Medical Center School of Health gifts)—Filed February 1977 in the U.S.D.C. for the District of Columbia. Decision issued January 31, 1980; order and judgment on the decision entered February 29, 1980. Further decision pending on proposed orders regarding the proper allocation of Endowment Fund No. 3 between the Johnson and Hunterdon gifts and upon the amount of reimbursement due Harbor Branch Foundation for its expenses since January 1, 1977, as well as other pertinent issues.

Scherer v. Ripley (sex discrimination)—Filed October 1977 in the U.S.D.C. for the District of Columbia. Trial held November 7-8, 1979. Decision of the court pending.

Thomas v. United States (patent infringement)—Filed January 1980 in the U.S. Court of Claims. Pretrial discovery proceedings in process.

United States v. Tougas (to recover proceeds of sales of federal excess property)—Filed October 1976 in the U.S.D.C. for the District of Arizona (Tucson Division). Pretrial discovery proceedings in process (after denial of motion for summary judgment of the United States).

Cases Disposed of

1. Harden v. United States:

This suit, filed in the U.S. District Court for the District of Columbia on January 15, 1980, grew out of a tort claim for property damage to an automobile resulting from an accident involving a Smithsonian driver. The Smithsonian Tort Claims Committee could find no negligence by the Smithsonian and the claim was denied. Trial was held on September 26, 1980. Judge John Lewis Smith concluded on October 3, 1980, that there was no evidence of negligence by the Smithsonian driver and decided the case in favor of the Institution.

2. Hart v. National Collection of Fine Arts of the Smithsonian Institution:

The National Museum of American Art (formerly National Collection of Fine Arts), a bureau of the Smithsonian, is named beneficiary in a handwritten document executed by Alma W. Thomas in February 1978, just prior to her death. This document was presented to the Probate Court of the District of Columbia by the Smithsonian as a possible codicil to a will executed by Ms. Thomas in July 1977. The executor named in the 1977 will subsequently filed with the Probate Court a Complaint to Deny Probate to the 1978 document. At issue was the validity of the 1978 codicil. On July 16, 1980, the Probate Court approved a Stipulation for Settlement whereby the National Museum of American Art received a representative selection of Ms. Thomas' works, as well as access to all records pertaining to the artist's career.

3. Oliu v. A.R.A. Services, et al.:

This suit, brought under the Federal Tort Claims Act as a result of injuries sustained by plaintiffs from a slip and a fall in the cafeteria of the Smithsonian's National Air and Space Museum, was filed in both a federal district court and a state court of Ohio in September 1980. On November 17, 1980, the federal district court issued an order consolidating the cases and dismissing the Smithsonian Institution and the National Air and Space Museum for lack of jurisdiction (i.e., the plaintiffs did not file an administrative claim before filing suit).

NEW CASES

Mr. YATES. Does that show all the cases that are pending?

Mr. POWERS. We have two new cases which are both wills cases.

Mr. YATES. Both wills cases for which you are asking interpretation?

Mr. POWERS. No, these involve objects. In one case it is two paintings that have been on loan for about 50 years. The lender died in 1931 and a dealer came into one of the museums last year and discovered this painting and decided to round up the heirs and see if they could sell it.

Mr. YATES. Which museum?

Mr. POWERS. The American Art Museum.

Mr. YATES. Who was the painter?

Mr. POWERS. It is Frederick Church and another painter whose name I don't recall.

Mr. YATES. Is this the iceberg painting? No.

Mr. POWERS. There is only one iceberg.

Mr. YATES. I know, and that is held privately.

Mr. POWERS. The other one has to do with a large collection in the possession of the Museum of African Art of photographs of Mr. Elisofon, the Elisofon collection. It is a very complicated matter under New York law as to whether the children have a right to contest the will. In both of these cases the Justice Department is helping.

Mr. YATES. That is all the pending litigation you have?

Mr. POWERS. Then the ones you have already, yes.

Mr. YATES. Did you want to say something else or had you completed?

Mr. POWERS. I have completed.

SMITHSONIAN ASTROPHYSICAL OBSERVATORY

Mr. YATES. David, how is your astrophysics laboratory doing?

Mr. CHALLINOR. It would be doing better if we had not had the four positions that we were asking for in 1982 cut. It is doing well.

INVENTORY OF NATIONAL COLLECTIONS

Mr. YATES. Incidentally, how do you show those Eskimo artifacts like those? They are in cases and drawers now. I assume that those are contained in covers of some kind.

Mr. FISKE. That is right, they are stored in the attic of the Museum of Natural History.

Mr. YATES. Who sees them up there?

Mr. FISKE. Nobody, and this is the point. The new gallery will give us an opportunity to display this material. The show will have its debut in the gallery and then will travel via the SITES program to several other cities.

Mr. YATES. You raise a very interesting point. How many objects of the Smithsonian are similarly contained in the attic? Yours is a very interesting one for Eskimo art but there must be hundreds, if not thousands, of similar objects that would interest the American people.

Mr. FISKE. That is very true and we are addressing this very real problem.

Mr. YATES. You are addressing it for your particular museum.

Mr. FISKE. Yes.

Mr. YATES. What about the other heads of museums? Do all the heads of the museums know what they have in their museums?

How many of them have looked through the cupboards and seen what is stored there?

Mr. FISKE. Thanks to the inventory program we are indeed finding out the extent of the Museum of Natural History's collections, and the other museum Directors are doing likewise.

Mr. YATES. When will the inventory program be completed Paul?

Mr. PERROT. In 1983.

Mr. YATES. How many objects have you already inventoried?

Mr. PERROT. The inventory is almost complete in several of our museums. The two biggest inventories that are in process are at the Natural History and American History Museums. American History will be finished by 1983. Natural History will be finished later, but the inventory record will have been prepared. This will be followed by a detailed study of records and the inventory of research collections which are a special problem, requiring a different approach from the inventory of fine arts collections.

Mr. YATES. Mr. Fiske, I think of all the Directors you have the toughest job of knowing what you have, haven't you?

Mr. FISKE. This is very true.

Mr. YATES. Do you know what you have?

Mr. FISKE. We are learning each day more and more, yes. We know what we have in general and the specifics are what are being established through the inventory program.

Mr. YATES. How far along through the inventory is your program?

Mr. FISKE. We will have completed the major phase by June of 1983.

Mr. YATES. June of 1983. That is pretty good for an inventory covering what, 75 million objects?

Mr. FISKE. At that level, much of it will consist of inventorying lots of material.

Mr. YATES. Do you mean particular parts of insects?

Mr. FISKE. No, rather groupings of insects or other artifacts.

Mr. HUGHES. Pieces of pots.

Mr. YATES. Never throw away potsherds.

Mr. HUGHES. Right.

Mr. YATES. Why don't you trade them?

Mr. RIPLEY. They are not very tradeable.

CONSTRUCTION OF THE MUSEUM SUPPORT CENTER

Mr. YATES. I meant to ask a question relating to the first paragraph of Mr. Ripley's statement and that is the reference to, "I am pleased to report that the General Services Administration has let a contract for the building of the Support Center and that construction is now underway."

I am very much concerned about that statement because I am concerned about the history of the General Services Administration in building buildings and the Kennedy Center, I think, is one of those that was built by them. Six years after it was completed it needed a new roof and wall repairs.

The General Services Administration was in the Visitor Center for a while and the General Services Administration has been in other places.

Did the General Services Administration build the Hirshhorn Museum?

Mr. RIPLEY. Yes.

Mr. YATES. They wound up with some problems with some of the walls. Now what happens? Are you required to use the General Services Administration?

Mr. RIPLEY. If we receive a Federal appropriation for a building which mandates the use of the General Services Administration, it is incumbent on us to seek the General Services Administration to undertake the letting of the construction contracts.

Mr. YATES. Do they let the construction contracts to an outside contractor?

Mr. RIPLEY. Yes.

Mr. YATES. Have they got one contractor that they let construction contracts to consistently?

Mr. RIPLEY. Yes.

Mr. YATES. Who?

Mr. JAMESON. Hyman.

Mr. YATES. Hyman gets almost all?

Mr. RIPLEY. Not in our case.

Mr. YATES. The Hyman Construction Company as far as I can make out has a pretty good reputation but the question is on riding herd on the contract.

Mr. RIPLEY. We have introduced in connection with our contract having a building supervisor from the Smithsonian. Often we have to find out how to get such a person as we had, for example, in Mr. Offenbacher at the Air and Space Museum, who is now a permanent employee at the National Gallery. He transferred over to supervise the construction of the East Wing. This is one of the few ways that we as an Institution through whom the money has been derived can exercise some sort of supervisory control. Mr. Perrot and Mr. Peyton in the case of this Museum Support Center, I believe, are satisfied that we are in good hands as far as getting that building done in time.

Mr. YATES. Mr. Perrot wants to say something.

Mr. PERROT. Mr. Chairman, every drawing has been reviewed by the consulting engineers and by our architects. The drawings are reviewed by members of my staff, to the extent that they have the competence to do so, to be sure that the building structure meets all of the specifications of the program and meets quality control. I cannot guarantee it, but I can promise that we are doing, at this time, the very maximum to achieve the proper results.

Mr. YATES. Did GSA build the Air and Space Museum?

Mr. RIPLEY. Yes, they were the prime contractor.

Mr. YATES. That was a creditable construction, was it not?

Mr. RIPLEY. We think so.

Mr. YATES. Are you winding up with any cracks or breaks in the roof or the walls?

Mr. RIPLEY. We cannot apparently build a building in Washington without it getting a leaky roof on it.

Mr. YATES. Apparently that is traditional now. I wonder why it can't be done if they can do it in other cities.

Mr. RIPLEY. One of the hopeless problems here is that the architects insist on building buildings with flat roofs.

Mr. YATES. The Union Station has areas of flat roof but it has that barrel roof.

Mr. RIPLEY. That is where the trouble comes, where it seeps down from the other level.

Mr. YATES. Is your museum support building going to have a flat roof?

Mr. RIPLEY. It will be slightly sloped, Mr. Chairman. We took particular care to be sure that all joints and areas of stress are especially reinforced.

Mr. YATES. Why did I have the impression that you had peaked roofs?

Mr. PERROT. This would be impossible to do on a building of that size, but the roofs will be sloped.

CONDITION OF HIRSHHORN MUSEUM BUILDING

Mr. YATES. While we are on the subject, what is the condition of your building? The Hirshhorn had leaks in the building walls from the rain.

Mr. RIPLEY. They had seepage.

Mr. YATES. What is the reason for that?

Mr. RIPLEY. From condensation.

Mr. YATES. The Congress gave you money to correct that, did it not?

Mr. RIPLEY. I think Mr. Peyton can explain.

Mr. YATES. Mr. Peyton, come up here where we can look you in the eye and tell us what the condition of the Hirshhorn is now.

Mr. PEYTON. We have recaulked the joints at the Hirshhorn and installed weep holes along the facade, which we talked about last year. We believe we corrected the major problem relating to the moisture.

Mr. YATES. When did you complete that?

Mr. PEYTON. I believe about six months ago.

Mr. YATES. You completed it six months ago. For the last six months the problem has not reappeared?

Mr. PEYTON. That is correct, sir.

We have requested funds this year to clean the outside and to put a sealer on the concrete.

Mr. YATES. Was there a sealer placed on the concrete when the building was completed?

Mr. RIPLEY. Initially there was but the seepage began to destroy it. We got these strange areas that looked like rust coming out on the surface; that had to do with the condensation, though it turned out eventually from the interior between the inner and outer skin.

Mr. YATES. What is the condition of the interior of the Hirshhorn?

Mr. PEYTON. The interior is all right.

Mr. YATES. The interior is all right.

Mr. RIPLEY. It is good. It was more the weather changes that caused the damage on the exterior.

Mr. PEYTON. The number one concern is the concrete pavement on the plaza.

CONDITION OF OTHER BUILDINGS

Mr. YATES. What is the condition of your other buildings? How about the Air and Space Museum?

Mr. PEYTON. The roof of the Air and Space Museum is all right. We conducted a thorough inspection that did not expose any deficiencies.

Mr. YATES. In the walls as well as the roof—

Mr. PEYTON. You asked about the roof.

Mr. YATES. All right. I will ask about the walls now.

Mr. PEYTON. We are continuing to experience some leakage through a portion of the wall and from the terrace level, which completely surrounds it. We have an architectural engineer from Boston who has been engaged to study the building and come up with recommendations and necessary design work to correct the leaks.

Mr. YATES. Why should you have leaks? The building was opened how long ago, 1978? Three years ago?

Mr. RIPLEY. The building was opened in 1976.

Mr. YATES. Five years ago.

Mr. PEYTON. We think that the waterproofing membrane at the terrace level was not of sufficient quality to hold up. There have been some indications that during the period subsequent to the oil shortages in 1972, the quality of the asphalt type materials used in the construction suffered significantly. That could be a possible explanation.

CONTRACTOR/ARCHITECT RESPONSIBILITY

Mr. YATES. Is the contractor to be held responsible for something like this or is it too late for that?

Mr. PEYTON. It is too late.

We have only one case pending in court now. It is against the architect of the Hirshhorn. The case is being handled by the Department of Justice and is in excess of a million dollars.

Mr. YATES. For the repairs on the walls?

Mr. PEYTON. It is actually related to a claim that the GSA had to pay to the general contractor for which, in the opinion of the GSA, the architect was responsible.

Mr. YATES. Why have you just hired an architect from Boston for the Air and Space building?

Mr. PEYTON. To examine the walls and the terrace and to develop recommendations so that we can take steps to stop the leaking conditions in those two areas. The building also is experiencing some condensation, and we would like to know the correct technical solution to that problem.

Mr. YATES. What happens at the conclusion of the construction of a building? The contractor turns the building back to you and says, "This building is yours." Do you have an inspection of the building at this point as well as an ongoing inspection?

Mr. PEYTON. Yes, in some cases the actual performance tests have to be completed before the building is accepted.

Mr. YATES. Why are you just discovering, five years later, that the membrane was not proper? Weren't there leaks originally? If

the membrane was not proper, would there not have been leaks long before this time? When did you first discover the leaks?

Mr. PEYTON. I don't know. I was not with the Smithsonian at that time.

Mr. YATES. Who was with the Smithsonian at that time who can answer the question?

Mr. Ripley was with the Smithsonian.

Mr. RIPLEY. We will have to answer it for the record, Mr. Chairman. I do not recall.

[The information follows:]

NATIONAL AIR AND SPACE MUSEUM—FAÇADE AND TERRACE LEAKS

The National Air and Space Museum was turned over to the Smithsonian Institution by the General Services Administration on July 1, 1975, for beneficial occupancy of the administrative office areas and for construction of the exhibits. The Museum was opened to the public on July 1, 1976, as part of the Bicentennial celebration.

During the summer and fall of 1975, leaks appeared where the base of the marble facade meets the terrace. In 1976, in response to GSA, the contractor installed a cant strip at the intersection of the marble facade and the terrace paving. This cant strip controlled leakage for some time. However, leaks reappeared in late 1977, indicating that additional measures would be necessary. GSA investigation disclosed that other possible causes of the leaking were failure of the flashing to perform as designed; displacement of the flashing during various construction operations; damage to the flashing caused by rats; and other failures presumed a result of seasonal temperature cycles. Since several prime contractors were working in the area, GSA was not able to determine ultimate responsibility for correcting the leaks.

TERRACE AND FAÇADE AT AIR AND SPACE MUSEUM

Mr. RIPLEY. I do recall that after some period of time, perhaps a year or so, I heard to my dismay that there was some leaking in the area of the terrace part because it was getting down into the underground garage. There was some seepage down in the underground garage. I do not recall what measures were taken to follow up and whether or not the contractor was liable.

Mr. YATES. Does this take you out of your \$49 million level? I remember the pride with which you told the committee——

Mr. RIPLEY. Forty-one million.

Mr. YATES. I thought it was \$49 million. I will accept the \$41 million.

Anyway, you were just within the budget.

Mr. RIPLEY. We were under budget and ahead of schedule.

Mr. YATES. Under budget and ahead of schedule.

Mr. RIPLEY. I don't know how you can ascribe the subsequent repairs.

Mr. YATES. I find this in other buildings and I am very much concerned. In the Kennedy Center I have suddenly awakened to the fact that we, the Government, spend about \$4.5 million repairing the roof and the sides of the building with an outside contractor. I don't know whether GSA was the instrument under the Park Service responsible for it but I am trying to find out now what happened after the conclusion of those repairs. Did anybody look at them? Was there an architect or an engineer who was hired to say whether a good enough job had been done or that the condition of the repairs was all right and the building is now habitable?

The Union Station, of course, is a horrible example of the fact that nobody paid any attention to what was going on. Now apparently somebody is surmising, and perhaps it is unfair to surmise. I would have thought that the leak would have been fixed immediately after having been discovered, but here we are still trying to fix it four or five years later. The chance of having the problems corrected by the people who are responsible for the workmanship and who should have done a better job are slim.

Mr. RIPLEY. Mr. Jameson has been at the Smithsonian longer than I have, Mr. Chairman, and he might be able to have some answer or some approximation of that.

Mr. JAMESON. I don't think that I can add to what you have said. I do recall that a year or two after the building was open there was some evidence of leakage.

Mr. YATES. Let's read from the record.

PREVIOUS TESTIMONY RELATING TO NATIONAL AIR AND SPACE MUSEUM

Department of the Interior and Related Agencies Appropriations for 1980, Part 9, relating to the Smithsonian Institution. On page 410 relating to the National Air and Space Museum, I read:

The NASM Building opened in July 1976, providing 550,000 square feet of display and support space in addition to basement parking for the Mall visitors. Unprecedented numbers of visitors have put a strain on many of the facilities within the building.

Somebody is leading up to a rationalization there.

Many blocks of stone cladding on the building are allowing the intrusion of moisture through seams of softer stone strata which have been dissolved by the action of wind and rain.

Were you aware of that?

Mr. PEYTON. Yes, sir.

Mr. YATES. What is a block of stone cladding on the building?

Mr. PEYTON. The Tennessee marble.

Mr. YATES. Is that the outer surface?

Mr. RIPLEY. Yes.

Mr. YATES. So moisture is coming in. That was two years ago. Is it still coming in?

Mr. PEYTON. Yes, sir.

Mr. YATES. What is happening as a result of the moisture coming in?

Mr. PEYTON. Well, in the summertime, the outside air, which is warm and moist, goes through the walls and strikes the surfaces on the inside, which are cold because of the air conditioning. At an inside 70 degree temperature, the moist outside air condenses.

Mr. YATES. Does that help the walls? What does that do to the walls, smear them?

Mr. PEYTON. It makes an unsightly appearance where it is visible.

Mr. YATES. And it may deteriorate the walls more than that if it is not corrected?

Mr. PEYTON. Conceivably.

Mr. YATES. Are you taking steps to correct it?

Mr. PEYTON. No.

Mr. YATES. Why don't you do it?

Mr. PEYTON. One of the purposes of hiring an architect is to come up with recommendations that will solve the problem effectively.

Mr. YATES. So he is going to look at the walls.

I read the next paragraph.

The terrace paving block at street level is cracking and disintegrating. Its repair is critical to prevent moisture from penetrating the waterproof seal and eroding the steel framing below.

If this is correct—you didn't prepare this?

Mr. PEYTON. Yes, sir, I did.

Mr. YATES. You did prepare this.

It is more than the fact that the asphalt was not up to the standard of the previous material, is that correct?

Mr. PEYTON. The blocks are cracking in certain spots.

Mr. YATES. You go on to say that it is cracking and disintegrating and then you say:

Its repair is critical to prevent moisture from penetrating the waterproof seal and eroding the steel framing below.

I take that to mean what you are looking for is the repair of the terrace paving block.

Mr. PEYTON. That is correct.

Mr. YATES. It is not only the seal.

Mr. PEYTON. It is the waterproofing as well.

Mr. YATES.

Caulking between facade stones has failed, here again allowing water leakage to the interior.

Electric transformers for the entire building are operating at levels exceeding the recommended service. There is no redundancy or reserve electric power available.

Is that a fault, too?

Mr. PEYTON. Yes, sir, I would say it is.

Mr. YATES. How do you propose to correct it?

Mr. PEYTON. We may have to increase the capacity.

Mr. YATES. How much will that cost, do you have any idea?

Mr. PEYTON. No.

Mr. YATES.

Maintenance platforms at elevated mechanical air handling units must be constructed so as to provide a safe work space for mechanics.

That has not been done yet.

Interim food service trash storage must be reconstructed and refrigerated to eliminate vermin and odors.

Has that been done?

Mr. PEYTON. Yes, sir, it has.

Mr. YATES. Good.

Restrooms must be rebuilt to allow for disabled access.

Has that been done?

Mr. PEYTON. Yes.

Mr. YATES.

The elevated steel trusswork in the exhibit areas must be painted.

Has that been done?

Mr. PEYTON. No, sir, it has not.

ESTIMATE FOR REPAIR OF NATIONAL AIR AND SPACE MUSEUM

Mr. YATES.

The projected cost for required repairs to the National Air and Space Museum is \$2.6 million.

You don't know whether that is true yet until you have the report from your architect. This is an obsolete statement then.

Mr. PEYTON. I would not say it is obsolete, I would say it is speculative.

Mr. YATES. All right. I am willing to accept speculative.

You would not be willing to stand by that estimate at this time, would you?

Mr. PEYTON. That is our best estimate at this time.

Mr. YATES. Well, it was your best estimate in 1979 which is two years ago so your estimate must have gone up since that time.

Mr. PEYTON. As I indicated, several of the items of work have been completed.

Mr. YATES. Well, in here look at your Restoration and Renovation of Buildings planned program. National Air and Space facade and terrace repairs show that you intend over the next five years through 1986 to spend \$1.6 million. If your best estimate is \$2.6 million, then you won't do the job, will you?

Mr. PEYTON. Well, the larger amount of \$2.6 million in the book that you just read covers more than facade and terrace repairs.

Mr. YATES. Does it cover other items that ought to be undertaken?

Mr. PEYTON. Yes, sir, but the total of \$1.6 million that you read from the book just relates to the facade and terrace repairs.

Mr. YATES. I thought that was the outer covering of the building.

Oh, it does cover other items including the restrooms. Maybe you ought to give us a breakdown but you cannot give us a breakdown until the architect acts.

Mr. PEYTON. A firm figure.

Mr. YATES. That is why you hired the architect, to give us a firm figure.

Mr. PEYTON. And, more important, to come up with a solution.

Mr. YATES. I guess we better take a look at this report tonight. Suppose we go into it more carefully tomorrow because I think it is a condition of the plant.

With that we will quit for the day.

THURSDAY, MARCH 12, 1981.

CONDITION OF THE RENWICK FAÇADE

Mr. YATES. The committee will come to order.

When we broke up last night we were talking about repairs to the various buildings and it appeared that more needs to be done to the Air and Space Museum than fixing the membrane or providing a new membrane which gave rise to what is happening in all the other buildings. When asked about the Renwick you were still not through with what appears on the list and I think perhaps I left it too quickly because I went back to the hearings in 1980 and from an interchange with Mr. Jameson at that time it appeared that that was a very complicated job.

On page 397 of Part 9 of the 1980 hearings I had a dialogue with Mr. Jameson [reading]:

Mr. YATES. I remember correctly you told us last year the cost would be \$800,000?

Mr. JAMESON Yes. We now think it may be much more expensive than that. We estimate that approximately 80 percent of the veneer, if you will, the facade, of the building, will have to be replaced over the next two or three years.

Mr. YATES. What happened last year? What was your estimate of size that would have to be replaced last year?

Mr. JAMESON. Very much less than that. We did not have the scaffolding up last year. We now have had a firm at work for approximately a year, and they are going over the building with essentially a fine-tooth comb.

Mr. YATES. Is that a good tool to use?

Mr. JAMESON. Well, maybe we should use a pick-ax. The condition of the exterior is much more significantly serious than we thought a year ago. Much more of the stone is in danger of coming down.

You boosted the \$800,000 to \$4 million.

Mr. RIPLEY. I think we should ask for about \$4 million now. I cannot tell you the degree of frustration we feel about the project of restoring the Renwick Building, which was done under GSA auspices beginning in 1968. This absolutely flawless new technique invented in Belgium, which involves casting the stone out of dust of the old stone from molds designed to look exactly like the old stone was said to be 100 percent perfect, and has turned out to be unsatisfactory. So we are stuck. We feel very embarrassed to have to come back to this committee to say that this system was not right.

Let's stay with the Renwick for a while now. You said that the repairs were coming on fine. That is 1980.

We now look at the 1981 hearings on the Renwick. Well, apparently the Renwick was not included in your list in the report. The 1981 hearings, page 244, Renwick Gallery of Art. I read from your insert in the record:

Renovation of the deteriorated facade is the building's major requirement. Precast concrete has been selected as a replacement for the existing natural stone and is expected to produce a facade of acceptable quality and durability. Repairs to the roof and windows also are anticipated. The building's mechanical systems are generally in good condition, although routine maintenance and replacements are planned, as well as the installation of an emergency generator and improved security systems for the protection of artifacts.

These requirements are estimated to cost \$2.7 million.

I should have asked whether that is in addition to the \$4 million that Mr. Ripley said you needed the previous year. Is this in addition to that \$4 million?

Mr. HUGHES. Yes, sir, it is.

Mr. YATES. Well, what is the total cost going to be for the Renwick?

CURRENT ESTIMATE FOR REPLACING RENWICK FAÇADE

Mr. PEYTON. Since our last appearance before the committee and since providing you with a report, we have completed detailed replacement drawings for the stones and have determined that a 100 percent replacement is the only practical solution. We have solicited prices from six firms: three firms supply precast materials, and because the Fine Arts Commission asked us to fairly check out the price of cut stone—three firms that supply cut stone. The lowest price we obtained for the precast materials was approximately \$4.6 million and the price for cut stone was approximately \$1 million more.

Mr. YATES. More? That makes \$5.6 million.

Mr. PEYTON. Yes, sir. For cut stone, the only available source was West Germany.

Mr. YATES. Here we are two years later and what does that mean, that the repairs have not been made?

Mr. PEYTON. The repairs have not been made.

Mr. YATES. Why does it take two years to come to this conclusion? I don't understand this.

Mr. RIPLEY. Part of the problem, Mr. Chairman, is the fact that we got into a kind of debate with the Fine Arts Commission who said that real stone looks better than precast concrete. We felt that precast concrete was better because it looked just as well and was less expensive and so a lot of time was in fact spent trying to carry this argument back and forth with the Commission of Fine Arts. It is one thing to talk about the aesthetics, the appearance of the building, as you know, and another thing to try to see how you can do it as inexpensively as possible. We favored the saving on the expenditures. I am not sure—Mr. Peyton probably knows—where we come out on that but it did take a great deal of time, isn't that right, Tom?

Mr. PEYTON. Yes, sir. The preparation of the detailed drawings which allowed us to go on the market to obtain prices.

Mr. YATES. I don't understand why you didn't get detailed drawings two years ago. Two years ago you came before us, Mr. Jameson was testifying about it at that time, and you talked about having to do 80 percent of the building. Now you are up to 88 percent of the original sandstone and you just are completing the drawings and starting to work on it. What happened in the interim? How much more of the building has deteriorated?

Mr. PEYTON. To the best of my knowledge there has been no additional deterioration.

Mr. YATES. What happened as a result of the deterioration of the outer structure? Does that not carry with it an accompanying deterioration of the inside as well?

Mr. PEYTON. Potentially, yes.

Mr. YATES. Not actually?

Mr. PEYTON. No, I don't think we can precisely say that.

Mr. YATES. I think the committee would want you to precisely say. The committee wants you to tell us just what the condition is. I must say that last night I came out of the hearings thinking that the Smithsonian had not been entirely fair with the testimony that you gave concerning the Air and Space Museum. The impression that I received was that all that had to be done was that your membrane had to be corrected and then when we started to read we learned about the stones and we learned about other things that had to be done.

We think it is important to preserve the physical structure of all the buildings. We think that is important in spite of what the expense may be. It is important that you not try to skirt necessary repairs because of the constraints that Mr. Stockman and OMB may place upon you. I believe that just patching here and there in your buildings will require much more major repairs at a later time. You are two years later on the Renwick Building now and your costs have gone up another \$1.5 million, well, they have gone up from the \$800,000 that Mr. Jameson testified was the figure in 1979 when you appeared before us. So what has to be done?

CONDITION OF THE INTERIOR OF THE RENWICK GALLERY

Suppose your drawings are completed and we provide the funds with which to complete the rehabilitation of the outer structure; will you be coming back next year and saying, Mr. Chairman, we were not aware of the fact that during the interim period the interior of the building had deteriorated to the point of where we now have to provide certain kinds of repairs for this? What is the situation? Do you know what the condition is of the interior?

Mr. PEYTON. Yes, sir, we do.

Mr. YATES. What is the condition of the interior?

Mr. PEYTON. Generally good.

Mr. YATES. What does that mean, generally good? Are there places where it is not generally good?

Mr. PEYTON. No, sir.

Mr. YATES. It is good then? There is nothing that has to be done to the interior.

Mr. PEYTON. Not other than normal maintenance and repair.

Mr. YATES. Will you be providing funds for normal maintenance and repair for the Renwick?

Mr. PEYTON. Yes, sir, we will.

Mr. YATES. That should take care of that.

What is the condition of the Renwick Building?

CONDITIONS OF RENWICK BUILDING

Mr. PEYTON. The Renwick is generally in good condition. It may need minor repairs by the in-house repair crew as it stands right now.

Mr. YATES. Well, is this a constant struggle with repairs? Will you have to fix up the entire roof at some time?

Mr. PEYTON. It is conceivable we might. However, the materials involved on that particular roof are very durable and not of the more recent type of built-up roof that we have in other larger types

of buildings, so I would expect that that roof will continue in service for another 10 or 15 years at least.

Mr. YATES. All right. We will accept that then.

Mr. RIPLEY. I think, Mr. Chairman, what we have been trying to do year in and year out, especially in relation to the five year prospectus, is to phase these repairs in such a way that we need not ask for an enormous amount of money in any one year. It is true that the exterior of the Renwick Building has been a headache ever since we got involved, as I testified last year and the year before, with trying to administer this business of the restoration of brownstone which deteriorates under the conditions of pollution anyway. And so we still have a kind of a running sore there with the stone that continues to deteriorate in quantities that sometimes to our horror pull off on the outside of the building. The amount was shown in the prospectus to be about \$3.8 million between now and fiscal year 1986.

RENWICK GALLERY RESTORATION COSTS

Mr. YATES. How much has been spent on the Renwick restoration in the last several years?

Mr. RIPLEY. Can we give you that figure?

Mr. PEYTON. Is this on the facade, sir?

Mr. YATES. Anything other than the ordinary.

Mr. JAMESON. Nine hundred thousand dollars between fiscal year 1978 and fiscal year 1980.

Mr. YATES. Does that mean you have spent \$900,000?

Mr. JAMESON. It has either been obligated or is in the process of being obligated this year, yes, sir.

Mr. YATES. All right.

Mr. Jameson, I call your attention to page C-10 of your justification which says that to date an amount of \$1.9 million has been appropriated for this project.

Mr. JAMESON. Excuse me. I did not carry the total through fiscal year 1981. Nine hundred thousand plus the fiscal year 1981 appropriation.

Mr. YATES. Which is what?

Mr. JAMESON. One million dollars.

Mr. RIPLEY. And \$1.4 million is still available for this. We estimate the total by fiscal year 1986 required would be \$3.8 million.

AMERICAN ART AND PORTRAIT GALLERY BUILDING ROOF

Mr. YATES. Let's look at page C-9. You have a statement there with which the committee agrees. I have the impression, however, that you don't agree with it in your behavior because you say you don't want to come to us with all the expenses at once but you do say the following:

Maintaining the integrity of the exteriors of all Smithsonian buildings is critical to preventing major structural damage and deterioration due to age and weathering and to ensuring a safe environment for visitors, staff and collections. Energy conservation also demands watertight and weathertight exteriors. Work in this category includes a variety of major projects that must be accomplished periodically according to the life cycles of the materials used. For example, roof replacements are needed about every 20 years.

How does that statement affect your buildings? How many of your roofs have to be replaced within the next year or two and how many have been replaced within the last several years?

Mr. PEYTON. We are presently working on the Fine Arts and Portrait Gallery. We have completed part of that project and expect to begin the balance of work within the next two or three months.

Mr. YATES. Of the Fine Arts and Portrait Gallery.

Mr. PEYTON. Yes, sir.

Mr. RIPLEY. That is the old Patent Office.

Mr. YATES. What are you doing on that building? Are you looking at the roof?

Mr. PEYTON. We are replacing the roof.

Mr. YATES. Replacing the total roof?

Mr. PEYTON. Yes, sir.

Mr. YATES. What is the cost of that going to be?

Mr. PEYTON. I would have to check that.

Mr. RIPLEY. It is expected that we will finish that with funds appropriated in 1981. That is all it says here.

Mr. YATES. Well, that was \$350,000. Can you replace a roof as large as the Portrait Gallery for that amount?

Mr. PEYTON. We phased it in two parts. We completed the first part, and we expect to complete the final part for \$350,000.

Mr. YATES. Can you do it for twice that, \$700,000?

Mr. PEYTON. I believe we can.

Mr. YATES. My goodness, when I think what they are asking us for to replace the roof at the Visitor Center in the millions, I don't understand how you can do it.

Mr. PEYTON. I believe there was an article in the paper that there is additional work to be done at the Visitor Center.

Mr. YATES. What do you mean by the term 'roof replacement'? This is the phrase that you use.

Mr. RIPLEY. It is metal sheeting, isn't it?

Mr. PEYTON. Normally either a mopped-on bituminous type material or a rubber sheet is placed on a concrete backing; on top of that insulation is placed; and on top of that, the final, surface coating.

Mr. YATES. The entire roof of the American Portrait Gallery and the American Museum of Art is being replaced then for \$700,000?

Mr. PEYTON. That is correct.

Mr. YATES. More power to you if you can do it for that. We will ask you next year how you are doing, assuming we are here next year.

That is for the roof.

CONDITION OF ROOFS AT VARIOUS SMITHSONIAN BUILDINGS

Before I leave that, what is the condition of the roof on each of the other buildings? How many buildings are we going to talk about now?

Mr. PEYTON. Approximately 14.

Mr. YATES. Fourteen buildings. Go through the list.

Mr. PEYTON. National Air and Space is in good condition.

Mr. YATES. Good or excellent?

Mr. PEYTON. I would say good.

Mr. YATES. Why not excellent? It just opened a few years ago.

Mr. PEYTON. It is not a brand new roof.

Mr. YATES. Are there any roofs that are excellent?

Mr. PEYTON. No, sir, I would not say so.

Mr. YATES. Why do you say only good? Are all your roofs in need of repair?

Mr. PEYTON. No, sir. I will go through them and you can see from that.

Mr. YATES. Let's talk about it.

Mr. PEYTON. The National Air and Space is in good condition. On the Hirshhorn Museum the roof is in good condition.

On the Smithsonian Castle there is some maintenance and repair work to be done with funds we presently have on hand. This consists of replacing some of the slates and some gutter work.

On the Arts and Industries Building we have partially replaced the roof, and the remaining work to be done is significant.

Mr. YATES. Now that is going to cost you \$5 million, you say.

Mr. PEYTON. We expect that completing the A. & I. work will cost \$9.2 million in current dollars.

Mr. YATES. That is for some exterior renovation.

Mr. PEYTON. That is correct.

Mr. YATES. What does that mean, replacement of some of the tile?

Mr. PEYTON. For all of the roof and facade work including all of the window sashes.

Mr. YATES. Because it has not been pointed over the years?

Mr. PEYTON. Yes. The building needs to be checked at the brick joints; where the mortar is loose, it needs to be replaced. There is an attempt being made, as part of this overall project, to restore the facade of the building to its original condition as much as possible. Since the building was built, there has been a certain amount of free lance modification—dormers added, extensions built, and so forth. We would like to remove as many of these modifications as is practical, and this is also included in the scope of the work to be done.

On the Freer Gallery some relatively minor gutter and drain work is needed for which we presently have funds; otherwise, the roof is in good condition.

The Museum of American History will very shortly have its 20th birthday, and we anticipate a complete replacement of that roof.

Mr. YATES. That is part of your cycle.

Mr. PEYTON. In the case of the Museum of Natural History, we presently have under contract repairs to the West Wing roof, and that work is nearing completion.

We have the Anacostia exhibits lab on which we have been doing major roof restoration work. We have many buildings at Silver Hill, which you know about, and we are in the final phase of completing major repairs of the roofs of those buildings.

EFFECT OF BUDGET AMENDMENT ON RESTORATION AND RENOVATION
OF BUILDINGS REQUEST

Mr. YATES. Now Restoration and Renovation of Buildings. The Carter request was for \$8.5 million and that is itemized on page C-8 of your justification. Now you took \$1 million away from that.

Mr. PEYTON. Yes, sir, we did.

Mr. YATES. What happens as a result of losing the \$1 million? What will you not be able to do?

Mr. PEYTON. Of the total \$1 million reduction, the three major components each totals \$250,000. First is a reduction of \$250,000 from a total request of \$1 million for the A. & I. exterior, or a revised request of \$750,000.

Mr. YATES. Why are you doing that? What will you have to sacrifice for \$250,000?

Mr. PEYTON. Well, inasmuch as the A. & I. is a large dollar project, we will defer a portion of the work until the following year.

Mr. YATES. Can you do that without hurting it?

Mr. PEYTON. Yes, sir, we can.

Mr. YATES. All right.

Mr. PEYTON. Most of these projects are broken into phases because of the nature of the activities of the Smithsonian which, as you know, is open seven days a week, and we have a lot of visitors. We try to avoid disrupting the twenty some million people that come to visit the Smithsonian.

Two hundred fifty thousand dollars has been deferred on the Museum of American History terrace repairs on the west end of the building. At one point this work had not been originally contemplated as having to be done. An entrance way was constructed to the major exhibit "A Nation of Nations." The museum contemplates a change in that.

Furthermore, as a result of our removing the stone pavers and examining the membrane on the earlier phases of at the terrace project, we have concluded that we would probably be better off to go ahead and replace that one final section.

Mr. YATES. You mean totally?

Mr. PEYTON. Yes, sir.

Mr. YATES. What will the cost of that be?

Mr. PEYTON. It is \$250,000 which we are now deferring.

Mr. YATES. Well, it says something about removing the ramp and canopy so you are removing the ramp and canopy and waterproofing. Does that mean that the ramp and the canopy and the waterproofing are in good enough condition so that you don't have to worry about further deterioration?

Mr. PEYTON. For one year.

Mr. YATES. For one year?

Mr. PEYTON. Yes, sir.

Mr. YATES. What happens next year?

Mr. PEYTON. We will have it in our fiscal year 1983 budget.

Mr. YATES. What is the next item?

Mr. PEYTON. The other major item is the deferral of \$250,000 from a \$1 million request on the Renwick exterior. The sequence of the work that we are planning on the Renwick involves setting up the scaffolding, using a latex mold, and producing replacements for

the stone. We will then replace the stones one section at a time, for each portion of the facade. With the request for \$750,000, plus the money we presently have on hand, we believe that we can carry on the project in an orderly manner and not suffer as a result. We will need the \$250,000 plus the next increment in next year's budget.

Mr. YATES. Why are you deferring it and not doing it this year?

Mr. PEYTON. Well, part of the answer lies in easing the disruption to visitors. There is a limited area for the contractor to work on at any one particular time. The facade of that building was divided into different elements, and we are planning on doing a pavilion at a time. The Renwick is located on a very busy corner, and there is no staging area for a project of this sort, which is going to be difficult.

Mr. YATES. In the 1981 hearings, on page 241, Fine Arts and Portrait Galleries Building it says:

Much work remains to be accomplished to preserve the building envelope and to protect the collections housed there. Completion of the roof replacement and extensive recaulking and repointing are required.

Mr. PEYTON. Some funds have already been appropriated for repointing. We have an additional request for \$175,000 to complete, or nearly complete, the repointing project.

Mr. YATES. And that is enough to do the job?

Mr. PEYTON. No, sir, it is not. It is to do another aspect of the facade work.

Mr. YATES. I don't see any reference to further funding for the repointing of the facade. Apparently the \$175,000 you have asked for for the repointing of the facade is adequate to do the job.

Mr. PEYTON. Yes, sir, but being an old building it will continue to require a lot of attention. Some of the stone in it is very similar to what we have in the Capitol—a combination of sandstone and marble—and the condition looks about the same. We also have planned to rely on an expert, such as Dr. Lewin, who assisted us on some of our other facades, to recommend to us the preservation method. The marble columns are in poor condition much like some of the ones on the Capitol.

Mr. YATES. What does Dr. Lewin suggest be done?

Mr. PEYTON. Well, we have included a study in the request for funds.

Mr. YATES. You are spending \$10,000 for the stone facade this year and \$155,000 next year and then \$200,000 each year between 1983 and 1986 for a total of \$765,000.

Mr. PEYTON. The balance of funds that covers succeeding years is an estimate at this time in anticipation of the report recommendations.

Mr. YATES. It will probably cost more, won't it?

Mr. PEYTON. I hope not.

Mr. YATES. I hope not, too.

Will the deterioration be too extensive to hold in check during the next few years?

Mr. PEYTON. Mr. Chairman, it appears to us that the deterioration is superficial and not structural, as is the case on the Capitol.

FREER GALLERY RENOVATION

Mr. YATES. What are you going to do with Freer this year? The cost for heating, ventilating and air conditioning this year will be \$300,000; \$380,000 in 1982 and \$383,000 in 1983, approximately a million plus, \$790,000. We already have the \$300,000.

Mr. PEYTON. We have already awarded the contract to start this work.

Mr. YATES. Will that work that you have given a contract for also include deteriorated electrical wiring which has to be replaced and upgraded?

Mr. PEYTON. This is some of the original wiring that was in the building.

Mr. YATES. Will it also include the installation of smoke detectors?

Mr. PEYTON. The total request is not the current contract.

Mr. YATES. Do you mean over the next few years?

Mr. PEYTON. Yes, \$790,000.

Mr. YATES. Will it also include skylight repairs which are needed to prevent water damage?

Mr. PEYTON. Yes.

Mr. YATES. Will that be done in 1981?

Mr. PEYTON. Yes, sir.

Mr. YATES. Are you also undertaking lighting improvements for this year?

Mr. PEYTON. Yes, sir.

Mr. YATES. You are also making arrangements to take care of the disabled.

Mr. PEYTON. The lighting improvement is in the current budget.

Mr. YATES. I assume that the skylight repairs are, too.

Mr. PEYTON. No. For the skylight repairs, we are going to try to do some work with our own repairmen, but if we are not successful, we will have a replacement by contract later.

Mr. YATES. Well, this says, "are needed to prevent water damage." I suppose that may be necessary to protect some of the exhibits, is that correct?

Mr. Lawton, how bad is the condition?

Mr. LAWTON. We have had some serious leaks, so serious that water has come into the exhibition galleries and I have gone down on the weekends to help mop it up.

Mr. YATES. Has that been repaired?

Mr. LAWTON. Yes.

Mr. YATES. I would hope that would be done as promptly as possible then.

How long has that condition been going on?

CONDITION OF FREER ROOF

Mr. LAWTON. Since the new roof was applied about three years ago.

Mr. YATES. I don't understand what it is about Washington, it seems to have a climate that does not permit good roof making.

Mr. LAWTON. There is an expression in Chinese, Mr. Chairman, i fen ch'ien i fen huo, for one penny of money you get one penny of goods. Frequently, the people who get these contracts are the

lowest bidder; they are not necessarily the people who give you the best roof.

Mr. YATES. Who built the roof for you?

Mr. LAWTON. I don't know.

Mr. YATES. Who built the roof for you? What do you do with a contractor? What is the nature of the contract? Don't you get warranties that the roof will be good or in good shape?

Mr. PEYTON. No, sir, we do not.

Mr. YATES. Why don't you? Is it because the contractor says for this much money I cannot do it, I cannot warranty it, or what?

Mr. PEYTON. Normally when the contractor's work is completed and the payment made, that is the end of it.

Mr. YATES. I know that but in light of what Mr. Lawton is saying, apparently the roof was not very successful. Now what did the Smithsonian do under those circumstances? Is this before you came with the Smithsonian or was this one of your babies?

Mr. PEYTON. I hope so.

Mr. YATES. You hope so? I don't understand that.

Was this a whole new roof, Mr. Lawton?

Mr. LAWTON. It was, yes.

Mr. YATES. What does the Smithsonian do to make sure the roof is in good shape? That is why I pressed so much on the museum support facility need in GSA. Here you have paid for a new roof. What did you pay for that roof?

Mr. PEYTON. I don't know.

Mr. YATES. What did you pay for that roof, Mr. Jameson?

Mr. JAMESON. We paid approximately \$92,000 for the first phase. I do know that there were some immediate problems upon the completion of this roof work; the contractor was called back and he did some additional work.

CONTRACTOR RESPONSIBILITIES

Mr. YATES. Who was the contractor?

Mr. JAMESON. Associated Builders, Inc.

Mr. YATES. He was called back and said what?

Mr. JAMESON. There were some leaks that showed up immediately or soon after the next rain. There were some further repairs done but leaks showed up thereafter.

Mr. YATES. Well, what do you do if you have your house repaired, don't you get a warranty?

Mr. RIPLEY. I was about to say, Mr. Chairman, that we live in a house and we have never been able to solve this problem. We ask for a warranty and they come back and they say they have fulfilled the requirements and then they go away again and then they don't answer the telephone. That is just a house.

Mr. YATES. Well, won't they answer it for your lawyer?

Mr. RIPLEY. It turns out to be more expensive for us as householders to take on the problem of getting the lawyer and paying all of his bills.

Mr. YATES. The Department of Justice has people on the payroll who are paid whether they have lawsuits or not.

Mr. RIPLEY. I realize that, Mr. Chairman.

Mr. YATES. Judge, what about this? Was this referred to you? What do you do in a case like this?

Mr. POWERS. I recall, Mr. Chairman, a discussion about inspections, and I believe there was some question whether our people at the time had been sufficiently careful to check on this at the time that some of the problems during construction arose.

Mr. YATES. Would your files show what happened?

Mr. POWERS. I don't have a figure.

Mr. YATES. Do you have a file on it?

Mr. POWERS. Yes.

EFFECT OF FREER ROOF LEAK

Mr. YATES. The committee would like to know what happened here.

In the meantime, Mr. Lawton, you still have a leak. Do you have collections under the roof itself or is this just a floor of working space under the roof?

Mr. LAWTON. Occasionally the leaks occur above the space where the exhibition galleries are, and then water would leak down into the exhibition space, not always but frequently.

Mr. RIPLEY. They have an attic space which is fairly sound normally but occasionally it gets through.

Mr. YATES. But you have rain in Washington occasionally.

Mr. RIPLEY. You have to get more pails and mops.

Mr. LAWTON. It has to do with the drainage system on the roof proper that leads down to the lower section of the building.

Mr. YATES. There ought to be some kind of retribution here. What do you mean when you quoted—who was it?

Mr. LAWTON. The Chinese.

Mr. YATES. No particular philosopher?

Mr. LAWTON. No, just a folk saying. The idea is you get what you pay for.

Mr. YATES. Why do you say that in this case? Wasn't enough paid to fix the roof?

Mr. LAWTON. It went to the cheapest contractor.

Mr. YATES. But presumably the cheapest contractor was going to give you a workmanlike roof.

Mr. LAWTON. That does not happen frequently in Washington, Mr. Chairman.

Mr. YATES. Well, was that supervised by GSA, does anybody know?

Mr. PEYTON. No, sir, it was not.

Mr. YATES. The Smithsonian does that itself? Your predecessor, Mr. Ault——

Mr. PEYTON. He is retired now.

Mr. YATES. He is probably enjoying his retirement.

Well, what do we do? You cannot just shrug your shoulders to this. You are putting a new roof in at the Portrait Gallery. What are you going to do to make sure that is a good roof? . . .

ROOF REPLACEMENT AT THE PORTRAIT GALLERY

Mr. PEYTON. First of all we have researched the design needs of that particular installation. It is an old building and has the traditional elements of architecture that one does not normally encounter today, so we have to look into that very carefully and deter-

mine what the nature of the flashing on the building, or the transition between the roof and the parapet or the chimneys—those aspects. A member of our staff does that, and we have received some training in the proper design of the roofs.

ROOF WARRANTY IN CONTRACTS

Mr. YATES. What does your contract provide when you let a contract, Judge Powers? Does it provide for a warranty?

Mr. POWERS. I am not sure.

Mr. YATES. Should it not provide for one?

Mr. POWERS. One of the problems with these repair contracts is that you have to make specifications before you know all the conditions you are going to be faced with when you take the roof off. It frequently involves change orders along the way and you get into a very murky situation with the exact standards to which you wish to hold the contractor. The more unprecedented conditions, the easier it is for him to argue that he did not ever agree to do that different kind of job and he cannot be held responsible for that particular kind of problem.

There is a warranty of fitness that I think lasts about a year.

Mr. YATES. Here you had leaks that occurred immediately.

Mr. POWERS. I am not familiar with that whole case.

Mr. YATES. I would be interested to find out what was done to try to hold the contractor there.

Mr. PEYTON. On the matter of what to do?

Next is the selection of the right kind of roof. In general, I think you would know we don't build copper roofs or slate roofs or some of the other traditional ones any more; they are too expensive. We recognize that and the roofing industry has come up with cheaper solutions.

Two basic type roofs for office or similar type buildings are those with a rubber sheeting mopped on with liquid bitumin which is the element of that system that keeps the water out, or those known as a builtup roof which consists of asphalt impregnated felt and mopped on bitumin and then the insulation and a protective coating on the top. Our staff designed the roof for the American Art/Portrait Gallery building together with all the necessary flashing, which is frequently a source of the problem.

We write the specifications and take competitive bids. We have recently instituted a procedure with the cooperation of our procurement officer to be selective about those firms that can offer bids on the job. The contractor must exhibit demonstrated performance or experience in the type of roof which has been specified for the job.

CONTRACT FOR MUSEUM SUPPORT CENTER CONSTRUCTION

Mr. YATES. Mr. Perrot, what does your GSA contract provide with reference to the roof? Is there a warranty for that?

Did you pass on that contract, Judge? Did you see the contract?

Mr. POWERS. No.

Mr. YATES. Who reviews the GSA contract? Does the GSA and not the Smithsonian review the contract? Do you leave it entirely in the hands of the GSA?

Mr. PERROT. The specifications were developed by the architects and reviewed by the engineers of the GSA independently, reviewed by an independent consulting firm that was hired by GSA for this purpose, if I understand the matter correctly, and reviewed by our own Office of Engineering. We believe that with all of these reviews, and the suggestions that have been made by all the parties, and each suggestion having been reviewed by all involved, that we can be pretty sure that we will have a tight membrane.

Mr. YATES. Suppose the contractor does not do the work in accordance with all those reviews?

Mr. POWERS. There is a standard form of appeal. In this case it would go to the GSA Board of Contract Appeals. We had a long dispute in the case of the Hirshhorn and there were some claims by the contractor because of a change order. That was offset in part by other claims against the contractor.

Mr. YATES. The appeal to the GSA, is that in the nature of an arbitration?

Mr. POWERS. No, it is in the nature of a regulatory hearing.

Mr. YATES. Is it final and binding or is there an appeal to the court?

Mr. POWERS. It is binding but there is a further appeal to the court, yes. The appeal to the court is rather limited, the appellant has to show that the decision was arbitrary and capricious.

Mr. YATES. Would you take a look at the contract that Mr. Perrot has just to see whether there is a protection for the Government and what the protection is?

Thank you.

Mr. PEYTON. Mr. Chairman, if I could finish the last part.

Mr. YATES. I am sorry, I thought you had.

ROOF INSPECTION

Mr. PEYTON. Probably the most critical aspect of the roofing is the contract phase and the proper inspection by the Smithsonian. We have learned from experience that it is necessary to have a full time inspector on the job at all times during the roofing operation to ensure that the surface is properly prepared with the various materials which have been specified. We have a well trained working inspector now on our staff who is a relatively recent addition and he is fully involved in reviewing the work that is done by professional architects and he is also fully involved in the inspection phase.

Mr. YATES. He was not the one who reviewed the Freer?

Mr. PEYTON. No, sir.

Mr. YATES. Do you still have the one who reviewed the Freer?

Mr. PEYTON. I don't know.

Mr. YATES. Will you check that, please, and see whether or not he was fully qualified and pursued the work?

Mr. PEYTON. The man I am referring to has recently joined the Institution.

Mr. YATES. In line with Mr. Lawton's quotation from the Chinese, I would like to find out what the difference in bids was for the Freer roof and to see whether it was significant.

Mr. PEYTON. All right.

Mr. YATES. I am sorry, Mr. Lawton. What are we doing for Mr. Lawton now that he still has a leak? It is important that we get that. Are you still getting leaks?

Mr. LAWTON. Yes.

Mr. YATES. How soon before we can stop this leaking?

Mr. PEYTON. Based on what I know now, we will be working on it tomorrow morning.

Mr. YATES. That is fine, what are you going to do, put pails under the leaks?

Mr. PEYTON. We have a roofing crew who will take a look at the problem.

Mr. YATES. Give us a report and give Mr. Lawton a report.

Mr. Lawton, please let us know what happens.

Mr. PEYTON. You may be sure I will.

Mr. YATES. We want those documents and scrolls to be protected. I suggest you might want to put the bronze and the marble sculptures under that part of the roof.

HIRSHHORN MUSEUM RESTORATION PROJECTS

The Hirshhorn Museum and Sculpture Garden, two projects are underway which must be completed, including modification to the Sculpture Garden to provide access for the disabled and facade repairs necessary to eliminate staining and leaking and to correct original deficiencies. What were the original deficiencies, failure of the membrane again?

Mr. PEYTON. No, sir. We previously received funds to rake out the caulking of the joints and to replace that material and to insert the drains I mentioned yesterday. We will remove the superficial stains that came as a result of the original condition, and we will apply a sealer to the building to protect it in the future.

Mr. YATES. Mr. Lerner, what is the condition of the Hirshhorn? Do you find leaks or are you protected?

Mr. LERNER. We are fairly well protected.

Mr. YATES. No complaints?

Mr. LERNER. An occasional complaint.

Mr. YATES. What is your problem?

Mr. LERNER. An occasional leak in two galleries.

Mr. YATES. From the roof?

Mr. LERNER. No.

Mr. YATES. From the walls?

Mr. LERNER. We don't know, perhaps.

Mr. YATES. The sealer should help that.

Mr. LERNER. The sealer could help that. We have had unusually cold weather this year, which may account for it.

Mr. YATES. Are the leaks identified there so they don't break out all over the place?

Mr. LERNER. Yes.

Mr. YATES. I assume they are going to seal those first.

Mr. LERNER. Yes, they will be working on them Tuesday.

Mr. YATES. All right. You are going to work on the plaza surfacing to apply a more durable material. What is more durable than the material we have?

Mr. PEYTON. The material is a cast-in-place concrete with exposed aggregate surface. Over the years the aggregate has come

out of the concrete and the surface was probably treated with chemicals such as calcium chloride to avoid the hazards of slippery conditions.

Mr. YATES. What will you replace that with?

Mr. PEYTON. Well, we would like to have some recommendations from an architect who would first consider the aesthetic aspect. Another consideration that is the durability of substitute materials. We would certainly consider granite, possibly slate.

Mr. YATES. Was that used at the Air and Space Museum?

Mr. PEYTON. No.

Mr. YATES. What stone was that?

Mr. PEYTON. Tennessee marble.

Mr. RIPLEY. It is from the same quarry that the original marble for the National Gallery was acquired from and it is very thin instead of being thicker.

Mr. YATES. Is granite more expensive?

Mr. RIPLEY. Granite is less expensive.

Mr. YATES. Would it not be better to have that facade of granite?

Mr. RIPLEY. I think it is heavier.

Mr. YATES. What I am talking about is the walkway.

Mr. PEYTON. Well, in the case of the Hirshhorn—

Mr. YATES. No, Air and Space where they talked about the stones crumbling.

Mr. PEYTON. The plaza at the National Air and Space Museum is made up of precast concrete pavers and, again, with exposed aggregate.

Mr. YATES. Do you remember, Mr. Ripley, coming in and saying you were within bid.

Mr. RIPLEY. Yes.

Mr. YATES. It looks like you are going to be without bid right now.

I can say the Hirshhorn is in good shape, right?

Mr. PEYTON. With one exception, which is Mr. Lerner's concern about his plaza.

Mr. YATES. That is your concern, too.

CONCERNING MUSEUM OF AFRICAN ART RESTORATION

The Museum of African Art, how much did we invest in restoring those buildings?

Mr. ROBBINS. I have some good news to report.

Mr. YATES. Good.

Mr. ROBBINS. Yes, we had leaks long before we were in the Smithsonian but now this past year that we are part of the Smithsonian they are being dealt with.

Mr. YATES. No further leaks.

Mr. ROBBINS. One of our curators works in a basement office and was beginning to get arthritis from the seepage. This problem has been corrected and her arthritis is getting better now.

Mr. YATES. Good.

Mr. PEYTON. We have rerouted some of those downspouts.

Mr. YATES. To the lowest bidder?

Mr. PEYTON. These are being done in-house.

Mr. YATES. Do you have an inspector watching your in-house?

FIRE PROTECTION AT THE MUSEUM OF AMERICAN HISTORY

We learned about the back part of the Museum of American History a few minutes ago. [Reading from 1981 hearings.]

Although fundamentally sound, the building requires major upgradings of its fire detection and suppression systems and of its heating, ventilating and air conditioning systems.

Are those being done?

Mr. PEYTON. We have completed the necessary planning for the fire protection system and we have now to embark on the first phase of a multimillion dollar program.

Mr. YATES. Both of which would be \$1,650,000 spread over all the years through 1986?

Mr. PEYTON. Possibly beyond that.

Mr. YATES. Possibly. In other words, you don't know whether that amount of money will be adequate?

Mr. PEYTON. That is correct because of inflation.

Mr. YATES. You talk about a fire protection master plan that is under development. Is fire a real concern there? I know fire is a concern in every building, but is it a special concern there?

Mr. RIPLEY. You will recall the famous fire we had shortly after the building was completed when that extraordinary sort of electrical system failure created 1,600 degrees of heat and in a few minutes the walls and the marble crumbled and the carpets all crisped up and there was buckling in the steel doors and there was \$775,000 worth of repairs as I remember so ever since then we have been pretty scared about the possibility of another kind of flash fire of this sort.

Mr. YATES. Is this the kind of thing you can go back to the architect or contractor on for a fire that occurred?

Mr. Jameson wants to say something.

Mr. JAMESON. Not if you wish to, Mr. Ripley.

Mr. RIPLEY. No, John. You go ahead.

Mr. JAMESON. As I recall, there was substantial opposition at the time the building was being constructed in the Sixties. There was a lot of judgment among curators about fire suppression systems, including sprinklers, and that building was not adequately protected.

Mr. YATES. Do you mean in opposition to fire suppression systems?

Mr. JAMESON. Yes, sir, because of the potential damage should the sprinkler go off accidentally or in relationship to a given fire. The building was not adequately equipped with sprinkler systems at the time and we have as part of our exhibit program in certain galleries installed sprinklers but this is a more major effort both to detect and suppress.

Mr. YATES. Well, Paul, do you want to comment on that?

Mr. PERROT. Mr. Chairman, there was considerable opposition, until about five or six years ago, to the use of sprinkler systems in museums and in libraries; however, it has been found statistically over the years, that the damage from water has been far less than by fire. For example, the fire a few years ago at the Museum of Modern Art would probably have been contained had a sprinkler system existed. Obviously damage by water might have occurred where the sprinklers went off, but the rest of the building would

have been spared. It is for this reason the museums are accepting, reluctantly, sprinkler systems. Of course, they would rather have Halon, but this product can only be used in small areas. It would be totally prohibitive to have a Halon system in large spaces. Also, the canisters can discharge accidentally, and then have to be entirely recharged at considerable expense. I believe, now, that it is generally accepted that water is preferable.

Mr. YATES. Mr. McDade.

FIRE DETECTION SYSTEMS

Mr. McDADE. How is that made, with early detection systems?

Mr. PERROT. Most of our new construction and our older buildings will be equipped with smoke and heat detectors and there is an item in the budget for this.

Mr. McDADE. They are designed to get at the fire that is in incipient stages. They are persistently designed that way. I don't know if statistically or otherwise they function that well.

Mr. PERROT. Statistically I believe they work extremely well. Also statistically, we found that the incidence of automatic sprinklers going off accidentally, that is without a fire, is so small as to be inconsequential.

Mr. McDADE. Is there redundancy in the first two systems?

Mr. PERROT. There is indeed redundancy.

Mr. McDADE. I should use the word "contradiction".

Mr. PERROT. No, because smoke detectors and the heat detectors are more sensitive and generally can catch the incidence of fire more rapidly. When the head goes off a sprinkler it means that the heat is sufficiently high to fuse the link.

Mr. McDADE. If you have a system in a museum environment that responds to the superheat of the air and gases and incipient stage, is it specific when the alarm picks it up?

Mr. PERROT. Yes, depending upon its sophistication, the electronic equipment permits specific pinpointing of each detector.

Mr. McDADE. Can you protect your property with heavy reliance on these early detection devices rather than with a sprinkler system.

Mr. PERROT. Both methods are being employed in museums around the country now for areas that are extremely sensitive. The tendency is to have either an inert or loaded system and heat and smoke detectors. Generally speaking, now the use of sprinklers is accepted. We would prefer to have sprinklers that have dual action, that is a dry system which only go into action after the smoke detectors and heat detectors have given the alarm.

Mr. McDADE. Is that what you use?

Mr. PERROT. That is what we plan in a few buildings, Mr. Chairman, but the problem is that it is much more costly and therefore we have generally gone to a wet system.

Mr. McDADE. There is general agreement?

Mr. PERROT. I think that is an accurate statement.

Mr. McDADE. Thank you, sir.

Mr. YATES. Mr. Lawton, will you tell Mr. McDade what that old Chinese expression is also?

Mr. LAWTON. For one penny of money——

Mr. YATES. No, no, Mr. Lawton, give it the color it deserves. What is the Chinese expression?

Mr. LAWTON. I fen ch'ien i fen huo which means for one penny of money you get one penny of goods. You get what you pay for.

Mr. YATES. Let this be off the record.

[Discussion off the record.]

Mr. YATES. Put this on the record.

OBLIGATIONS OF CONTRACTORS

Mr. POWERS. It becomes arguable in repair cases where circumstances change where you don't know until you start taking the roof off or removing a wall or something exactly the conditions you are going to have.

Mr. McDADE. Isn't the commercial practice, even if you award the low bid, that you get a warranty. It is not just a general contractual fitness for the proposal document but a bonded warranty that for a period of a year—

Mr. POWERS. I believe so. I don't have the facts for the committee.

Mr. YATES. Take a look at his file before he turns it over to the committee and take a look at Mr. Perrot's contract.

Mr. POWERS. In addition to what Mr. Lawton said about being low bidder, it is said that Washington Government contractors depend on making their money on change orders, they hope to raise the price and also argue that they are not responsible for any of the problems that arose. So I think we are not alone in the kinds of problems that we are discussing this morning.

Mr. McDADE. It is not just the low bidder, it is supposed to be lowest responsible bidder.

Mr. POWERS. It is hard to say that a contractor in advance is irresponsible, and there is also pressure from the Small Business Administration to take smaller and perhaps less experienced firms, and you don't know until too late if you made a good choice or not.

Mr. McDADE. What program is that with the Small Business Administration?

Mr. POWERS. Under the small business set asides you are required to allocate or offer to minority and small business firms a portion of your contracts.

Mr. McDADE. For a major contract you ought to have some idea.

Mr. POWERS. Mr. Peyton was saying that we were making up the list of firms which are reputable.

Mr. YATES. Mr. Perrot wants to say something.

Mr. PERROT. There is a 10 year guarantee on the roofs that will be put on the storage components. How tight the guarantee is, and how it is specified, I don't know exactly. I will have to find out and the information will be provided for the record.

[The information follows:]

METCALF & ASSOCIATES,
March 16, 1981.

SMITHSONIAN INSTITUTION,
Washington, D.C.

Attention of Mr. Paul Perrot, Director, Museum Programs.

GENTLEMEN: The Museum Support Center roof system is designed as an insulated roof membrane assembly (IRMA) over concrete roof decks. The roofing specification section of the construction documents provides for the provision and installation of

the waterproof sheet membrane, membrane flashing, expansion joints, insulation, precast walkway and terrace slabs and related installation materials as required in connection with concrete roof decks. All roof membrane shall be covered with a mortar-faced, styrofoam RM, insulation board. Each insulation board is torque and grooved to provide a continuous insulation diaphragm, which is anchored at the roof perimeter and at the perimeter of all openings or penetrations.

The construction documents require that the roofing subcontractor(s) provide certain warranties with respect to their work. The specification states that "The roof membrane and flashing shall be warranted for 10 years by the membrane manufacturer and the roof insulation (including mortar-faced insulation) shall be warranted for 10 years by the manufacturer of the roof insulation. In the event the roofs fail to perform, the warrantor(s), at his (their) own expense, shall cause to be made the repairs or modifications to the roof assembly to the extent necessary to enable the roof to perform as warranted."

As with any roofing assembly, the success of this roof will greatly depend on the careful and thorough supervision and inspection of its installation.

Sincerely,

PHILIP E. TOBEY.

Mr. YATES. Judge Powers is going to tell us about the time he protected the Smithsonian.

LEAKS AT THE NATIONAL MUSEUM OF AMERICAN HISTORY

Now we return to the Museum of American History. Mr. Kennedy, are you free from leaks?

Mr. KENNEDY. No, sir.

Mr. YATES. I notice that you are having a few problems but you are not getting a new roof until 1984, are you?

Mr. KENNEDY. There are two sets of problems with us and one of them is the terrace on the north east corner which has leaked twice. That floods the hall of Maritime Enterprise.

Mr. YATES. Was this the flood that launched a thousand ships?

Mr. KENNEDY. Yes.

Mr. YATES. And burned the top of the castle?

Mr. KENNEDY. That is right. We wish that the lady had been present.

That process is under litigation, as the Judge has reported. So that is being dealt with through legal channels; that is, the deficiencies of the first process of repair are in the hands of counsel and they are being dealt with as a consequence of our having that contractual capability because it happened essentially within the construction period.

Mr. YATES. Why didn't counsel automatically get your construction contract? I don't understand this. Do you automatically get construction contracts?

Mr. POWERS. No.

Mr. YATES. Why shouldn't you?

Mr. POWERS. There are thousands of them. We have a very competent contracting office.

Mr. YATES. I would beg to differ with you, Judge. I don't know about the thousands of contracts that you have and I hate to increase the already mammoth job you have of supervising the Smithsonian activity but poor Mr. Lawton and Mr. Perrot are now coming up with major jobs. Mr. Kennedy is now coming up with a new roof in two years. We find that the history of the Smithsonian repairs, as I get it from the story told to me, is that you find yourselves in disputes with contractors as a rule rather than the exception.

Mr. POWERS. We have hundreds and hundreds of contracts each year.

Mr. YATES. Do you want to establish a limit? All right. Suppose they don't send you contracts for \$100 or \$200 but suppose you have a \$300,000 contract sent to you, or you may pick the size of the contract.

Mr. POWERS. My answer would be that the problems that we are going to furnish for the record were not specifically problems with the contract itself, the legal framework.

Mr. YATES. But it is though, at least temporarily; at least we don't know whether the contract provides for a warranty. As you say you have, your implicit warranty but Mr. Perrot says his contract provides for a 10 year warranty. Now why shouldn't Mr. Lawton be provided with a 10 year warranty? I would expect if there were no change orders in Mr. Lawton's contracts, I would think they went right ahead. Were I a regent again, I would bring this up to the Board of Regents saying that this is the responsibility I think that the Smithsonian has to assume. You can't come back to the committee and say, look, we have to repair Mr. Lawton's roof again or we have to do this because our relationship with the contractor was not taken care of in the first instance. There may be some contribution that you can make to the welfare of the Smithsonian in this respect and I would urge you, and you, Mr. Ripley, that you might want to talk to him about this.

Mr. Kennedy, I broke off our conversation while you were in full flight.

Mr. KENNEDY. No, sir.

Mr. YATES. Had you finished?

Mr. KENNEDY. I think so, sir, yes.

Mr. YATES. Can you wait for two years before they work on your roof? You are not going to get your money for the roof according to this until 1984. You are going to be a good soldier?

Mr. KENNEDY. Yes, sir.

Mr. YATES. I will ask your friend the contractor why he can't. Mr. Peyton, why are you waiting two years for that. Is it because of lack of funds?

Mr. PEYTON. No, sir. Based on our survey of the roof and the nature of the leaks that we have heard about, we have felt that we didn't have the internal capability to deal with the repairs.

Mr. YATES. If you have the leaks, I don't understand why they have not been taken care of.

Mr. PEYTON. I believe—

Mr. KENNEDY. Excuse me. Let me try to respond to that.

Mr. YATES. All right.

Mr. KENNEDY. We described one set of leaks.

Mr. YATES. The leaks from the terrace.

Mr. KENNEDY. Those are being fixed and those were serious and they caused us trouble and those are being dealt with. The roof problem, while it is there, is not a present danger to our collections or to our personnel, it can be dealt with.

Mr. YATES. You can wait two years then?

Mr. KENNEDY. Yes.

Mr. YATES. All right. Apparently you don't have any other construction problems.

Mr. KENNEDY. As you referred to earlier, we are dealing with fire protection and spending a lot of money on that.

Mr. YATES. There is a great deal of work to be done in a fire protection plan and you have heating, ventilation and air-conditioning improvements that are going to cost approximately \$2,230,000 unless you take care of it.

Mr. KENNEDY. Yes, that will do it for the next five years.

Mr. YATES. All right.

RESTORATION AND RENOVATION AT THE NATURAL HISTORY BUILDING

The Museum of Natural History, Mr. Fiske.

Mr. FISKE. As far as I am aware, the roof is sound. Work is underway in the West Wing and the problem there is being taken care of.

Mr. YATES [reading from 1981 hearings]:

The most important requirement of the building is continuation of the phased installation of fire detection and suppression systems."

That work is going on?

Mr. FISKE. Yes, sir.

Mr. YATES. All right.

The fire protection program, which also includes related architectural modifications, will continue steadily over the next five years. In the utility systems category, heating, ventilating and air-conditioning improvements are required in order to achieve energy conservation, to control temperatures and humidity, and to improve air circulation. Some of the projects planned in this category include a study of existing conditions and design for improvements, repair of the main cooling tower, and replacement of the HVAC control system and air handlers.

Is that going on?

Mr. FISKE. Mr. Peyton, can you answer?

Mr. PEYTON. No.

Mr. YATES. How about transformers that have to be replaced, when will you do that?

Mr. PEYTON. Sometime in the next two to three years.

Mr. YATES. Is there any danger if you don't replace them in the next year or two? What can happen with a transformer?

Mr. PEYTON. Well, if it is overloaded, there is a potential for failure.

Mr. YATES. Failure or fire?

Mr. PEYTON. Explosion that could result in fire.

Mr. YATES. Is that possible in this building?

Mr. PEYTON. We don't think so and we think two or three years would be time enough for action on it.

Mr. YATES. Then you go on to say:

Projects needed to protect the building envelope, some of which would also improve energy efficiency, include repointing and recaulking.

Is that going on?

Mr. PEYTON. No, sir, it is not.

Mr. YATES. Should it be going on?

Mr. PEYTON. That is one of the items that we have deferred.

Mr. YATES. For a million dollars?

Mr. PEYTON. Seventy-five thousand dollars, deferred until next year.

Mr. YATES. Because of the shift of the million dollars?

Mr. PEYTON. Yes, sir.

Mr. YATES. Well, what will happen as a result of the deferral? Will there be leaks through the walls or the outer wall?

Mr. PEYTON. That is a potential problem, but it has not been a serious problem up to this point.

Mr. YATES. Has that occurred in the building? Have you had seepage through your walls?

Mr. FISKE. The one place that leakage has occurred is in the stairwell on the north side of the old main museum building.

Mr. YATES. And Mr. Peyton knows about it?

Mr. FISKE. I am sure he does, it is visible.

Mr. YATES. Has it been repaired yet?

Mr. FISKE. I am not aware it has been repaired.

Mr. YATES. Has it been repaired?

Mr. PEYTON. No.

Mr. YATES. Wait until next year?

Mr. PEYTON. I have not seen it, but the internal maintenance staff can correct that.

Mr. YATES. Is that your only problem?

Mr. FISKE. As far as I know, sir.

Mr. YATES. "Projects needed to protect the building envelope, some of which would also improve energy efficiency, include repointing and recaulking, replacement of window locks and gaskets, and reglazing and repair of windows."

What does it mean when it says, "Projects needed to protect the building envelope, some of which would also improve energy efficiency?" What are the others?

Mr. PEYTON. I think those are major ones and at the moment I cannot think of any others.

Mr. YATES. Do you want to take a look or have somebody look at his building?

Mr. PEYTON. Yes.

Mr. YATES. Somebody put that line in this report, and when it is in a report the committee has to take cognizance of it, which does not mean you should not put it in the report but you and I are trying to arrive at some means of taking care of the Smithsonian properties.

"These and other requirements are estimated to cost \$6.3 million."

What is the cost you have in your justification for this building? I don't remember a \$6.3 million figure.

This says you needed \$6.3 million a year ago. What is your figure now, has it gone up or down?

Mr. PEYTON. By deferring the recaulking project one year we, will have to increase the amount of the item.

Mr. YATES. Well, what is the cost going to be?

Mr. PEYTON. I believe the number that is presently in that report is accurate enough.

Mr. YATES. What figure did you give us for the budget for this year for this building, the Museum of Natural History?

Mr. PEYTON. We had \$75,000 for the caulking project.

Mr. YATES. Only that you withdraw?

Mr. PEYTON. Yes.

Mr. YATES. And nothing else?

Mr. PEYTON. We deferred only \$75,000. That is right. For fiscal year 1982, we are now requesting a total of \$1,080,000 for the Natural History Building.

PLANNED PROJECTS THROUGH 1986 FOR THE NATURAL HISTORY BUILDING

Mr. YATES. Well, that is all for this year. Now what do you propose to do through 1986 to this building?

Mr. PEYTON. We are planning to spend approximately \$2.2 million on HVAC.

Mr. YATES. When?

Mr. PEYTON. Over the next five years.

Mr. YATES. All right, \$2.2 million.

Mr. PEYTON. For fire protection we are contemplating spending \$1.9 million.

Mr. YATES. That is \$4 million plus.

Mr. PEYTON. For the facade, approximately \$1.2 million. For a variety of other projects we plan to spend an additional \$2.1 million.

Mr. YATES. Is Mr. Fiske's building a stepsister to all the buildings?

Mr. PEYTON. No, sir, it is not.

Mr. YATES. Can you update your figures for the committee, please?

Mr. PEYTON. Yes.

[The information follows:]

CONDITION REPORT FOR NATURAL HISTORY BUILDING

(Update of Condition Report in Fiscal Year 1981 Congressional Hearing Record)

The Natural History Building was completed in 1911, and identical east and west wings were added in 1963 and 1965. In 1975 an interior court was filled in at three levels to create additional space primarily for public use, bringing the total building area to 1,000,000 net square feet.

The most important requirement of the building is continuation of the phased installation of fire detection and suppression systems. The fire protection program, which also includes related architectural modifications, will continue steadily over the next five years. In the utility systems category, heating, ventilating and air conditioning improvements are required in order to achieve energy conservation; to control temperatures and humidity; and to improve air circulation, supply, and exhaust systems. Some of the projects planned in this category include a study of existing conditions and design for improvements and necessary replacements (the study will be initiated in fiscal year 1981); repair of the main cooling tower; and replacement of the HVAC control system and air handlers. Electrical and plumbing renovations are required in the attics and tunnels to replace deteriorated equipment and to remove equipment that is no longer used, and transformers must be replaced. Projects needed to protect the building envelope and to improve energy efficiency include repointing and recaulking, replacing window locks and gaskets, and reglazing and repairing windows. Modifications of space for exhibition purposes are planned, as well as modifications to improve accessibility for the disabled in staff and public areas. An upgrading of space for the central Smithsonian library also is planned.

These and other requirements are estimated to cost \$7.2 million from fiscal year 1982 through fiscal year 1986, although some of these major projects will continue beyond fiscal year 1986.

REPAIR PROJECTS AT THE NATIONAL AIR AND SPACE MUSEUM

Mr. YATES. Now we turn to the National Air and Space Museum. When was this building opened? This building was opened in 1976 and here we are five years later. [Reading from 1981 hearing:]

The building's facade and terrace require a major program of repairs and improvements primarily in order to eliminate water leaks and intrusions. Corrective facade work is expected to include recaulking, repair of some of the marble stone and flashing, reinsulation of ductwork, and waterproofing of coping. Leaks are evident at all drains on the terrace and the pavers have cracked, chipped and settled as a result of heavy pedestrian traffic and weathering. Renovation of the terrace is expected to include reconstructing the waterproof membrane, upgrading other subsurface materials and replacing the existing pavers with a more durable material.

That is the concrete, isn't it?

Mr. PEYTON. Yes, sir.

Mr. YATES [reading]:

The building's electrical transformers are currently operating at near capacity, and some reserve power is needed. Improved access for the disabled is required in restrooms and exhibit areas, and additional offices must be constructed to provide needed staff space.

These and other requirements are estimated to cost \$4.4 million.

Are you still standing by that figure?

Mr. PEYTON. Yes, sir.

Mr. RIPLEY. I think the popularity of the building was somewhat expected but somewhat underestimated in terms of the deterioration that would result from millions of people on that terrace over the years. There has been a wear and tear factor that I think it is fair to say that one could not really have anticipated.

Mr. YATES. Mr. Ripley, is there a Director for Air and Space?

Mr. RIPLEY. Yes, Mr. Hinnens.

Mr. YATES. Is Mr. Hinnens here?

Mr. RIPLEY. No, he is not. He had a personal conflict and is not here today. He knew he had to be out of town.

Mr. YATES. He is a Director and not an Acting Director?

Mr. RIPLEY. Yes.

Mr. YATES. Does anybody know the condition of that building? Mr. Challinor nods.

Mr. CHALLINOR. I am impartial.

Mr. YATES. All right. Now be objective.

Mr. CHALLINOR. The very heavy traffic as you walk over the terrace has indeed cracked many of the tiles.

Mr. YATES. What about the roof?

Mr. CHALLINOR. The roof is not in as bad shape as that of the Freer.

Mr. YATES. You say it is or is not?

Mr. CHALLINOR. It is not in terribly bad shape. The roof is in good condition as has been reported.

LEAKS AT THE NATIONAL AIR AND SPACE MUSEUM

Mr. YATES. Does it leak?

Mr. CHALLINOR. I don't believe there are any leaks now anywhere in the roof.

Mr. YATES. Were there some?

Mr. CHALLINOR. I believe these have all been fixed.

Mr. YATES. At your expense or the contractor's?

Mr. CHALLINOR. This was done by an internal group but I can double check on that. The problem is with the hung marble which is about two inches thick and hung by steel pins. The grain in the marble is differential; in other words, some of the grain in those marble slabs is tighter than other portions and when we have one of those really hard, horizontal rains, the rain actually goes through those portions of the marble sheeting where the grain is not as dense as on the other parts. The water then trickles through inside between the marble and the insulation and that in turn causes problems in staining the inside walls.

Mr. YATES. On the inner walls?

Mr. CHALLINOR. On the inner walls. Occasionally this gets through the inner walls and you can see it from the inside. When you see it from the inside, then you have to track it back through the system and find out the slab that is leaking.

Mr. YATES. How often does this happen? I know with the horizontal rains but how often are the horizontal rains?

Mr. CHALLINOR. Horizontal rains probably occur only once or twice a year at the most. I mean that is a guess and it varies from year to year.

Mr. YATES. Would a sealant on the outside help?

Mr. CHALLINOR. A sealant on the outside would probably affect the aesthetics or the color of marble. We are somewhat in a bind. Do you take all those marble slabs off and make a seal on the inside or do you try to cope with this on a day-to-day basis by trying to isolate the worst spots? That is a question of strategy and what money is available to handle it.

Mr. YATES. Did the architect and the engineers originally contemplate the breathing problem the walls had with the air conditioning?

Mr. CHALLINOR. Probably not. I can't answer the question in honesty.

Mr. MURTHA. The water goes right though the marble?

Mr. CHALLINOR. A hard horizontal rain will actually penetrate the marble. Remember, it is only about this thick and it is porous. It will actually penetrate through that marble sheeting. The marble was chosen to match the marble in the National Gallery. That marble, however, is structural marble—great big thick ones—and carries the load. This marble sheeting is merely a veneer, it does not carry any load. The load is carried by the vertical steel beams to which in effect the marble is glued or attached.

Mr. YATES. What can you do to treat that problem?

Mr. CHALLINOR. I think the best you can do is attack it from the inside where the leaks are worse. I do not foresee that the problem will ever completely disappear without removing the whole facade which I think everybody agrees is not a practical solution.

Mr. RIPLEY. Also, I think the sealers when applied on the exterior tend to be moisture creating on the inside because of the differential in temperature winter and summer between the air conditioning system and the exterior climate, and that has been the situation in the Hirshhorn and I am sure it is endemic all over Washington with these kinds of construction methods.

Mr. YATES. Can you identify the slabs which have the grain that is particularly susceptible to horizontal rain?

Mr. CHALLINOR. Normally on a close inspection you can by putting a ladder up and looking closely see where the grain varies and probably identify a good number of them. Whether you could get them all or not I could not answer that question, an expert would have to answer that.

Mr. YATES. Who would be an expert on the Tennessee marble?

Mr. RIPLEY. They are probably all dead. They had to open up the quarry for the East Wing. The East Wing is also quarried from there and for this building.

Mr. YATES. Is the East Wing marble facade true?

Mr. RIPLEY. Yes.

Mr. YATES. Do they have the same problem?

Mr. RIPLEY. I don't know. I have not heard about it.

Mr. YATES. David.

Mr. CHALLINOR. You remember when the East Wing was being built, Mr. Chairman, there were concrete and brick walls and the marble veneer was laid over what I thought was a rather attractive finish already made with concrete beams with brick in between them. This is quite a different structure from the Air and Space Museum which I might point out costs only about a third of that building.

Mr. YATES. Well, what can we do about it?

Mr. PEYTON. Our consultant will recommend a technical solution and make cost estimates with his report.

Mr. YATES. Does he know anything about Tennessee marble?

Mr. PEYTON. Yes, sir.

Mr. YATES. All right. How long will you take?

Mr. PEYTON. It will take a year, because we want to subject the building to a total weather cycle in winter and summer. The A/E has been engaged in testing and studying the building for approximately four or five months.

Mr. YATES. We have discussed the Renwick.

Radiation Biology Laboratory.

An amount of \$50,000 is required to begin relocation planning, including a study of the Laboratory's long-range requirements and an exploration of alternative sites.

We can pass that, there has been no need to fix up that one.

REPAIR PROJECTS AT OTHER SMITHSONIAN BUILDINGS

How about the Astrophysical Observatory at Mt. Hopkins, Arizona, we have been worried about that?

Mr. RIPLEY. Do you want to speak on that, Dave?

Mr. CHALLINOR. We are now renting a converted schoolhouse near the base of the mountain. We have been told that the school board may want to sell that schoolhouse and what we are looking for now is a site to which our headquarters can move when current lease expires, I believe in 1985. We are now working on potential sites to which we can move and that is our main concern. We want to do our homework well ahead of time in case we cannot keep our headquarters building.

Mr. YATES. What about the castle itself? What needs to be done with the castle itself, anything?

Mr. PEYTON. We will soon award a contract to repair some of the slates that are missing and to do some other repair work.

Mr. YATES. Apparently that roof is in good shape.

Mr. PEYTON. No, sir. Slates are presently missing.

Mr. YATES. How many slates are missing?

Mr. PEYTON. I cannot answer the question.

Mr. YATES. Do you have water coming in?

Mr. PEYTON. Yes.

Mr. YATES. Is there nothing that can be done on a temporary basis other than putting the pails there? Can you put some kind of cover on the roof?

Mr. PEYTON. The gutter is stopped up, the flashing needs to be recaulked, and it requires sending repairmen to the site and having them do that kind of work.

Mr. YATES. The last time you wanted \$2.6 million for the Tropical Research Institute. Do you still want that or is that going full blast at Barro Colorado Island?

Mr. CHALLINOR. We are now looking for money to build a dormitory there which is not in this budget. The National Science Foundation was asked but has turned it down.

Mr. YATES. So you are going to keep looking?

Mr. CHALLINOR. We will keep looking.

Mr. YATES. What about the Silver Hill buildings?

Mr. PEYTON. The principal work that has been required for the Silver Hill buildings has been the roofing work. That has been described and is generally well in hand. We also have buildings occupied by the Museum of American History that they are seeking to upgrade on a selective basis; to improve their capability to store and preserve artifacts for that particular museum.

Mr. YATES. At the 1980 hearings you said you wanted \$2 million for the Freer. Has that gone by the board now?

Mr. PEYTON. We have awarded the first contract for a new heating, ventilation and air conditioning system, and there are some follow-on phases.

Mr. YATES. But that is not going to cost \$2 million?

Mr. PEYTON. No, sir, it will not.

Mr. YATES. Maybe that was for the connection.

Mr. PEYTON. No, sir.

Mr. YATES. Here I am with Mr. Blitzer talking about \$2 million.

Mr. PEYTON. We are planning on spending money in the Freer as the Quadrangle project moves forward, but the connection money is included in the Quadrangle project.

Mr. YATES. So that has gone by the board temporarily.

In 1980 Mr. Lawton said [reading]: "Skylight repairs are necessary to eliminate interior limestone stained by leaking water must be replaced." Has that limestone been replaced?

Mr. PEYTON. No, sir, it has not.

Mr. YATES. Will it be?

Mr. PEYTON. On a deferred basis, yes.

Mr. YATES. Has Mr. Lawton asked for the replacement of that and you turned your back to him?

Mr. PEYTON. I believe it is a matter of priority, sir, replacing the stained limestone.

Mr. YATES. How many of your limestones have been stained, Mr. Lawton?

Mr. LAWTON. It is the area immediately outside the auditorium, Mr. Chairman. I would guess it would be in the neighborhood of 10 limestone sheets.

Mr. YATES. How apparent is this?

Mr. LAWTON. You are quite aware of it when you walk in and you see the rivulets that have run down and left stains.

Mr. YATES. I think I will come over and take a look at it. Has better lighting in public areas been installed?

Mr. PEYTON. That is in progress now. We have a request for the current year to continue replacing the lighting fixtures that are located in the halls and corridors.

NATIONAL AIR AND SPACE MUSEUM TERRACE

Mr. YATES. Let's go back to Mr. Challinor again. The National Air and Space Museum, apparently in 1980 you were a little more concerned than now. This reads.

Many blocks of stone cladding on the building are allowing the intrusion of moisture through seams of softer stone strata which have been dissolved by the action of wind and rain.

Is that bad?

Mr. PEYTON. No, sir, I don't believe it is what I would call critical.

Mr. YATES. If the softer stone strata had been dissolved, should it not be replaced?

Mr. PEYTON. Not in this instance. The stone in the facade does not function to hold the building up.

Mr. YATES. Are there places where the softer stone strata have been dissolved which are not potholed?

Mr. PEYTON. Not in that sense.

Mr. YATES. Nobody sees them?

Mr. PEYTON. I believe that probably out of a thousand people who might look at it perhaps one might notice it.

Mr. YATES. That one does not happen to be a part of the Smithsonian, right?

Mr. PEYTON. I don't understand that, sir.

Mr. YATES. "The terrace paving block at street level is cracking and disintegrating." Now that is terrace paving block. Is this the concrete?

Mr. PEYTON. Yes, precast concrete squares.

Mr. YATES. Then you say, 'Its repair is critical to prevent moisture from penetrating the waterproof seal and eroding the steel framing below.' In view of your statement that its repair is critical, what has been done to repair it?

Mr. PEYTON. We have worked out a way to make some temporary repairs ourselves in what appear to be the most critical spots; so, in fact, some of the cracked pavers have been removed and replaced.

Mr. YATES. How much of this exists? How many of the terrace paving blocks have been cracked and disintegrated?

Mr. PEYTON. I could only guess at the number.

Mr. YATES. What area? All along an area?

Mr. PEYTON. Three principal locations.

Mr. YATES. It must be at the entrance.

Mr. PEYTON. One location is on the east end of the building, which served as the access for the major equipment that was loaded into the building when the building was first occupied.

Mr. YATES. That broke some of it?

Mr. PEYTON. Yes. The other areas are at the two main entrances on both the north and south side of the building.

Mr. YATES. How far toward the street does this condition exist from the doors to the steps?

Mr. PEYTON. On a random basis it occupies the major portion of that area.

Mr. YATES. It is rather a significant area, isn't it?

Mr. PEYTON. Yes, it is. In terms of percentage of the square footage of the entire terrace, it is probably 10 or 15 percent.

SMITHSONIAN INSTITUTION BUILDING

Mr. YATES. Now we talked a minute ago about the Smithsonian castle itself. This just says, "Presently, the building lacks adequate smoke and fire detection devices." Is that still true?

Mr. PEYTON. Yes, sir, it is.

Mr. YATES. "Power transformers must be replaced and the old units carefully disposed of in conformance with environmental restrictions."

Is this being done?

Mr. PEYTON. It is yet to be done. The transformers contain a liquid material.

Mr. YATES. How do you dispose of that?

Mr. PEYTON. The prescribed method is to put it in a special incinerator to burn.

Mr. YATES. The usual method was to throw them in the lakes or streams.

Mr. PEYTON. That used to be true.

Mr. YATES. I think we have come to the end of this chapter; at any rate we come to the end of the interrogating part of this chapter. We lose track of all this from year to year but I assume that we won't from now on because we are interested in putting the Smithsonian back into the condition it should be.

NATIONAL SYSTEMATICS LABORATORY

I want to ask Mr. Challinor a question. Somebody called my attention to the National Systematics Laboratory that NOAA has within its jurisdiction. Is this going to come in?

Mr. CHALLINOR. We understand that this does not appear in the Department of Commerce budget for 1982, it will be terminated.

Mr. YATES. Is this a laboratory that ought to come in?

Mr. CHALLINOR. It is a laboratory consisting of nine people and a budget of about \$300,000 that has worked at the Smithsonian. We have furnished them space for the last several decades.

Mr. YATES. Do you mean within the Smithsonian?

Mr. CHALLINOR. Within the Smithsonian.

Mr. YATES. Within which building?

Mr. CHALLINOR. The Museum of Natural History. It is a laboratory where people are experts in telling one kind of fish from

another and they have worked for NOAA as a part of the Bureau of Commercial Fisheries.

Mr. YATES. How important is the work?

Mr. CHALLINOR. It is very important for the kind of work we are doing. It complements it exactly. They concentrate primarily on commercially valuable fish whereas those at the Museum of Natural History concentrate on all known species of fish.

Mr. YATES. Would you recommend that this laboratory be continued?

Mr. CHALLINOR. Well, it is very useful for our purposes and we feel that the kind of work they are doing is very important.

Mr. YATES. If the funds were provided in the Smithsonian budget, would it be helpful to your work?

Mr. CHALLINOR. As long as it was not competing with our existing programs, yes, sir, Mr. Chairman.

Mr. YATES. Does it necessarily have to compete with your existing program?

Mr. CHALLINOR. If we were told to take it, it would, yes.

Mr. YATES. All right.

Mr. RIPLEY. It is not an overlapping activity though, is it?

Mr. CHALLINOR. It complements what we are doing.

Mr. RIPLEY. It is a very complementary activity.

Mr. YATES. At this point I think you need some complimenting.

Mr. RIPLEY. One of the terrible problems in all this business of knowing about what kinds of animals there are that are subject to queries by the public or by Government agencies is knowing who is going to be able to identify them. You cannot identify them and you cannot decide whether the pesticide is any good, you cannot decide whether the program of environmental control is any good with insects as well as with fish very notably. It is an area in which our Government is largely interested in the fish, I think.

MEDICAL ENTOMOLOGY PROJECT

Mr. YATES. Mr. Challinor, on page 25 of the justification one of your contracts relates to supporting a medical entomology project that conducts basic biosystematic research on the effects of arthropods, such as mosquitoes, which are of military medical significance overseas. Can you tell us about the importance of that project?

Mr. CHALLINOR. That project, Mr. Chairman, has been going on under a contract with the Army Medical Service for 20 or more years. We have in the Natural History Museum a large collection of insects, including mosquitoes, and particularly in 1960 when troops were going into Southeast Asia and were being bitten by mosquitoes and thereby becoming infected with new strains of malaria, it was very important for the Army to understand the taxonomy of mosquitoes, or how one mosquito differs from another.

This particular project is under contract with the Army Medical Service and a team of scientists or taxonomists and illustrators have spent the last 20 years trying to distinguish these mosquitoes and their life cycles, how they look and how to tell a noxious mosquito from an unharful one, where they live and what diseases they might carry. They work at the Museum of Natural

History because there we have the collections and the apparatus to allow people to study them.

Mr. YATES. How do you study what diseases they might carry? You are not set up for that, are you?

Mr. CHALLINOR. No. We are set up to identify the different kinds of mosquitoes.

Mr. YATES. Right.

Mr. CHALLINOR. Also, where they live and what their life cycles are. When somebody is bitten by a mosquito while climbing at the top of a tall tree, we can often isolate the kinds of mosquitoes that live in these tree tops as opposed to the ones that live in the cities or on the shores of lakes. We advise the Army or anybody else for this is not restricted research and the information is open to everybody.

Mr. YATES. Do you work with the Institute of Contagious Diseases in Atlanta in connection with this?

Mr. CHALLINOR. Not directly. The results that we produce from our research are sent down there to help the medical experts develop antitoxins or antibodies to these mosquito-born diseases. That is not our job. Our job is to identify the mosquitoes.

IDENTIFICATION OF SPECIMENS FOR THE BUREAU OF LAND MANAGEMENT

Mr. YATES. Now you have a BLM project, too. You work with BLM in connection with the outer continental shelf biologic sampling program.

Mr. CHALLINOR. The Bureau of Land Management, as you know, is responsible in large measure for leasing federally owned land offshore and in the process of surveying these lands for possible lease they accumulate a great many marine samples, particularly from marine invertebrates. These are animals that live on the floor of the sea. They accumulated this collection and now need a lot of help to find out the names of these animals. We are advising the BLM what these animals are.

SMITHSONIAN ASTROPHYSICAL OBSERVATORY

Mr. YATES. Then we turn to your Astrophysical Observatory. Last year you told us about the "big-bang" theory. There was an announcement within the last two weeks of a report which scientists felt substantiated the theory and that the bang occurred perhaps 17 billion years ago, plus or minus a billion years. Has that work been completed?

Mr. CHALLINOR. No. This will go on for many more years, Mr. Chairman. It also will continue when the large space telescope is launched in the shuttle, and God willing it will happen relatively soon. That is an ongoing project.

Mr. YATES. We are working with NASA on that.

Mr. CHALLINOR. Yes. The bulk of the funding for this bureau comes from NASA under contracts. You will see on page A-26 at the top there is a total of 367 people working there at a total of \$21.2 million of which \$13 million is Federal grants and contract money.

Mr. YATES. Now what about the multimirror telescope.

Mr. CHALLINOR. That is exceeding our expectations considerably. Seventy percent of its time is now devoted to scientific observation, the balance of 30 percent is spent working on engineering and clearing up the bugs that are inevitable in a new system. The resolution is now down to half an arc second which means that you could spot on the moon, were you to use it for such purpose, a building the size of the Pentagon which is roughly a half a mile across.

Mr. YATES. Your justification says modern astronomy results in part from its diversified approach to research and so forth. Are you the leader in this field?

Mr. CHALLINOR. We believe we are and particularly in x-ray astronomy where most of the experiments that have been conducted by satellites in space have been designed by people from the Smithsonian. That is what we call our high energy program.

Mr. YATES. High energy astrophysics?

Mr. CHALLINOR. Yes.

Mr. YATES. On page A-27 you also describe your atomic and molecular physics, optical and infrared astronomy, planetary sciences and radio/geoastronomy. How do you keep track of all these things?

Mr. CHALLINOR. You run fast.

Mr. YATES. If you don't run, you are in trouble, right?

Mr. CHALLINOR. Yes.

Mr. YATES. Solar and stellar physics and theoretical astrophysics. Who are the others in the field?

Mr. CHALLINOR. The other leading institutions doing this kind of work are—

Mr. YATES. Is Harvard one?

Mr. CHALLINOR. This is a cooperative venture with Harvard. I would say Princeton and Cal-Tech in California where the Jet Propulsion Laboratories are located. There are two or three others but I would say Princeton and Cal-Tech are two and MIT would be our other major competitor.

Mr. YATES. Are there foreign operators?

Mr. CHALLINOR. There is the European Space Agency which is a consortium of European research institutes. I would say that the universities in Europe are not up to the same level as our universities. They conduct research in quite a different fashion; instead of going through universities they generally have special government financed research institutions.

Mr. YATES. Can you break down your requested increase of \$139,000? There is no breakdown in the justification for it. You can do that for the record.

Mr. CHALLINOR. You are looking at what page, Mr. Chairman?

Mr. YATES. Well, I am looking at—

Mr. CHALLINOR. We are asking for \$366,000 total under the amended request.

Mr. YATES. I was referring to the Carter OMB report but I guess that is obsolete now, isn't it?

On page 26 of the justification, the proposed adjustment of \$515 thousand has been reduced. We just had the reduced figure without the breakdown.

Mr. CHALLINOR. The reduced figure comes to \$366,000.

Mr. YATES. Would you review your justification and supply for the record how you will allocate that sum?

Mr. CHALLINOR. I will, Mr. Chairman.

[The information follows:]

SMITHSONIAN ASTROPHYSICAL OBSERVATORY

ALLOCATION OF REQUESTED INCREASE

The requested increase of \$366,000 will be allocated as follows:

Necessary pay	\$51,000
Inflation.....	157,000
Langley-Abbot program.....	50,000
X-ray laboratory and test facility.....	61,000
Vehicle maintenance	30,000
Safety and fire protection training materials.....	9,000
Multiple mirror telescope tours and vehicle maintenance.....	8,000
Total	366,000

MULTIPLE MIRROR TELESCOPE

Mr. YATES. How important is it that your MMT tours continue?

Mr. CHALLINOR. This is important for us because of public relations with the local community. As you know, southern Arizona and particularly the area around Tucson has an ever growing population and as they drive by the mountain they can see the telescope on top and we are bombarded with requests from citizens to go up. Citizens have paid for the bulk of this telescope and we feel we have an obligation to let them come up and see it.

Mr. YATES. Which citizens have paid for the bulk of it, the citizens in Tucson?

Mr. CHALLINOR. All of us, including the people who live in Tucson and environs.

What we are seeking here, Mr. Chairman, is a bus to take the citizens and a driver up to the top of the mountain. The road is not really safe for private cars, it is unpaved and it is about 18 miles from the road head to the top of the mountain.

Mr. YATES. Well, if you don't fix the road, then you don't have the tours, do you?

Mr. CHALLINOR. You have tourists going up anyway and we worry about them getting stuck and then we have to take a lot of time going down to save them.

Mr. YATES. What is the status of your proposal for NASA tracking?

Mr. CHALLINOR. The NASA tracking contracts should be put out for bid this summer, probably in August. They propose to combine all their satellite tracking operations. The Smithsonian has had a large portion of this but not all the tracking. We anticipate submitting a proposal to NASA when this request for proposals comes in around August. It would be almost another year before that is acted on and for us to know whether or not we would be the successful applicants.

Mr. YATES. How much money do you get from NASA?

Mr. CHALLINOR. As is shown here on page A-26 where it says in the last column on the right \$14.6 million, that is primarily all NASA contracts.

SMITHSONIAN TROPICAL RESEARCH INSTITUTE

Mr. YATES. You were telling us about killer bees last year. Are you still worried about killer bees?

Mr. CHALLINOR. We are still working on that project.

Mr. YATES. Are you working to stop them from moving north?

Mr. CHALLINOR. I understand that they are moving quickly and we are studying whether or not the jungle barrier that exists in eastern Panama from about 50 miles east of Panama City to the Colombian border will serve effectively to keep them from coming into Central and then into North America, I don't know. They are now anticipated to be about a year away of getting to western Colombia.

Mr. YATES. You want a program increase of \$128,000. How are you going to allocate this increase? Do you want to put that in the record, David?

Mr. CHALLINOR. Mr. Chairman, we are requesting a program increase of \$113,000.

Mr. YATES. That is right. It is below the Carter increase. Put the breakdown in the record.

[The information follows:]

SMITHSONIAN TROPICAL RESEARCH INSTITUTE

BREAKDOWN OF REQUESTED INCREASE

The breakdown of the \$113,000 requested program increase follows:

Publication support.....	\$37,000
Buildings and facilities management	26,000
Vehicle, boat, and marine equipment replacement.....	50,000
Total	113,000

TROPICAL RESEARCH

Mr. YATES. Who coordinates the government deforestation study?

Mr. CHALLINOR. That is being done by a committee that is called together by the Department of State but consists of members from various government agencies, including obviously the Department of Agriculture's Forest Service and those other agencies which are concerned. AID is another group coordinating its work with the State Department since deforestation is a big international problem.

Mr. YATES. In the statement you say unfortunately the tropics are little understood having received little attention from scientists in spite of the fact that human population is growing at a faster rate in this region than anywhere else. This growth was threatened before they have been studied adequately and funds must be derived to protect this heritage of tropical diversity.

What do you mean by that?

Mr. CHALLINOR. Well, those countries that can afford to do basic research mostly are located in the north temperate zone. Those countries that are located in the tropics have not really been able to afford the luxury of sending scientists out to do basic research such as trying to name the trees. The tropics are changing faster than any other part of the world merely because more people live there and in more crowded conditions. What we are searching for

now are mechanisms to help train tropical scientists to work with people from north temperate climates to understand what plants and animal still are there before they are lost, before the forest is chopped down.

RADIATION BIOLOGY LABORATORY

Mr. YATES. Are you still going to spend the money for the spectrophotometer?

Mr. CHALLINOR. As is explained here, Mr. Chairman, on the bottom of page A-41, we received \$50,000 in fiscal 1981 for the spectrophotometer. We explain at the bottom of that page and the top of the next page the next piece of equipment we plan to buy in 1982.

Mr. YATES. Let's come back at one instead of one thirty. I will then turn to the Air and Space Museum and maybe we can finish up a little early.

AFTERNOON SESSION

Mr. YATES. The hearing will come to order.

NATIONAL AIR AND SPACE MUSEUM

There is a new budget, the so-called "Reagan Budget". I want to ask whether it provides enough funds for carrying on the operations of the Air and Space Museum as it is currently operated.

Mr. CHALLINOR. Yes, we can operate. I want to emphasize that in order to stay within the new Reagan budget we had to give up six positions. These six positions were all vacant at the time, but gave up six positions and their salaries from our base.

Mr. YATES. What positions were they?

Mr. CHALLINOR. Those were positions I furnished for the record yesterday. I have a long list here. I refer you to this sheet which was submitted for the record yesterday.

Mr. YATES. How many of your exhibits in the Air and Space Museum require payment for admission?

Mr. CHALLINOR. There is no admission charge except for the two movies and the spacearium show. One movie is called "The Living Planet" and the other "To Fly". All the rest of the museum is free of charge unless you come by automobile, for which you are charged to park.

FILMS AT THE AIR AND SPACE MUSEUM

Mr. YATES. How much did the film cost you?

Mr. CHALLINOR. One dollar for adults and 50 cents for children.

Mr. YATES. No; I asked how much you paid for the film.

Mr. CHALLINOR. The first film cost \$750,000. The second film cost \$1.2 million. The third film, for which we are negotiating at this time, we estimate will cost just under \$2 million.

Mr. YATES. I thought the film was paid for by a corporation.

Mr. CHALLINOR. Yes. The first film was paid for by Conoco. The second film was paid for by Johnson's Wax. We are negotiating on the third film. I am not sure we have quite completed negotiations

to see whether Conoco will come through and donate the third film.

Mr. YATES. What happens to those films? Do they belong to you or to the corporation?

Mr. CHALLINOR. The films belong to the corporations who grant us one year's exclusive use. Beyond the first year, the corporations may grant permission for the showing of the films in non-commercial instances, deleting the Smithsonian's name.

Mr. YATES. What do you do with them? Do you keep them on file? Do you allow others throughout the country to see them?

Mr. CHALLINOR. Right now we are showing the two 70 millimeter films, both the first and second one; 16 millimeter copies of these films have been made and are available to other organizations from the sponsoring corporation. Obviously they are not as spectacular as the big one.

Mr. YATES. "To Fly" was the first one. "The Living Planet" was the second one. What will the third one be?

Mr. CHALLINOR. It will deal more with airplanes than the second one. I am not even sure whether we have actually picked a title for it as yet.

Mr. YATES. Why do you need this if you have "To Fly"?

Mr. CHALLINOR. We find there was a whole cadre of people who come back and see these over and over again. We feel every two or three years we ought to add a new film. That will be about the rate at which we will change them.

We do not anticipate ever to stop showing the original films. We will just give the audience a wider choice of films, particularly with aviation, as you are aware, where advances are proceeding at such a rapid pace, that we must keep the films up to date.

Mr. YATES. I assume the film explains to the public how an airplane stays in the air?

Mr. CHALLINOR. Yes, sir.

Mr. YATES. Next is the Chesapeake Bay Center for Environmental Studies.

INCIDENTS OF THEFT AND VANDALISM

Before I get to that, do you have any problem with theft or vandalism at the Air and Space Museum?

Mr. CHALLINOR. It has been very minimal. We get an occasional airplane scratched and things like that. Because the objects are pretty big there is not too much opportunity to steal things.

Mr. RIPLEY. Museum records show that when a museum is tremendously crowded the incidence of theft or pilfering and vandalism is cut down considerably.

Mr. YATES. Really?

Mr. RIPLEY. Yes. I think this has been demonstrated in European and other museums; that is, when museums are crowded there is less possibility of this kind of problem.

Mr. YATES. Whatever happened to the snuff box that you lost?

Mr. RIPLEY. We still do not know. It has not turned up. It was such a specialty item that chances of its showing up in the trade, I would say, are very limited.

Mr. YATES. What are the chances of recovering possession of it? What was the result of the Georgia O'Keeffe case?

Mr. POWERS. There were three decisions. The first two went for O'Keeffe and the last one found, on the basic legal issue, for the owner who was a dealer and who had gotten the paintings from several other people.

It was sent back for further trial on some of the issues and the case was settled by the parties.

Mr. YATES. What is the status of the law? Is it unsettled?

Mr. POWERS. The judge's decision went a long way toward improving the law for the benefit of those who receive stolen property. It is a complicated matter.

Mr. YATES. There should be a reasonable statute of limitations, should there not?

Mr. POWERS. In this case, O'Keeffe had knowledge of the theft from the time it occurred. They had notice of it and did nothing about it for 30 years. We would not be bound by the statute of limitations until the day we discovered where the property is.

Mr. YATES. Just as you do on repairs?

Mr. POWERS. Yes.

PHASED PROGRAM OF REPAIRS AND RESTORATION

Mr. RIPLEY. I think we left the question of repairs as of this morning a little up in the air. I do not feel we really had an opportunity to remind this committee and to point out the degree to which over the years we have been developing the record on our concern about renovation.

You will see from the record, I am sure, that we began supporting the concept that we needed to have a phased program of repairs and restoration for these buildings at least three, if not four, years ago.

We have within our five-year prospectus an outline of nearly \$52 million phased over the years. In last year's budget, that is the budget of 1981, we had \$500,000 removed from the budget in conference. The Senate removed it and your committee agreed.

This year there has been a further excision. However, we carried forward to 1986 with a phased program, and, in spite of the fact that here and there we might have a leak, we can amply demonstrate on the record that we have not been neglecting our buildings.

I am aware that in Washington in general, and with other agencies and with major bureaus, there is a question of concern about construction problems and the followup. I am aware, also, that we have amply demonstrated over the years that we are the prudent conservators of very old buildings, in many cases historic buildings, and we are doing our very best.

I would hate to see anything lie on this record to imply that we have a pressing need at this time for things that we have been letting go, trying to put out brush fires which are building up, and things of that sort.

Please allow us to maintain our tradition of prudent care and integrity in the maintenance of the collections and the buildings in which they are housed.

Mr. YATES. The record will show what your record of prudence, care and diligence is. I read to you from reports of the Smithsonian

itself made to this committee in the hearings of two years ago, in 1979 when we first started.

This morning, when we discussed Renwick, I must say I was somewhat surprised that over the period of two to three years, two years we will say, the Renwick work had not yet begun.

Mr. RIPLEY. I think the Renwick work has been going on. We brought up the subject before this committee ourselves a number of years ago, emphasizing our concern and understanding that this is a continuing and long-term program.

Mr. YATES. The record will speak for itself. I must say in all candor, however, that I am not impressed by the degree of care regarding followups, for example, when the Freer Gallery has a new roof put on and it still leaks. In that situation there is something wrong either with the contracting or with the inspections or with the followup. That is a brand new roof.

Mr. RIPLEY. I am perfectly willing to admit we have these kinds of foul-ups in followups. However, I think our record will stand, and I will stand by it myself personally.

Mr. YATES. I am not asking you to stand by it personally. I am asking you to correct it. You want the same kind of Smithsonian that I want. I am trying to push you.

If you tell my committee that you need money to do these things I will try to get you the money to do these things and to put those buildings in shape.

Mr. RIPLEY. We have amply demonstrated our budget needs. We have them in the prospectus. We lost a half million dollars last year. We were able to make do without it. Nothing broke down. Nothing burned up in the process. We believe we are on track, Mr. Chairman.

Mr. YATES. We will leave the record at that. However, I would still insist upon the followups on repairs that we talked about this morning.

Mr. RIPLEY. I could not agree more. Let us follow up on the repairs. Let us be even more prudent than we have attempted to be in the past.

Mr. YATES. All right.

CHESAPEAKE BAY CENTER

Chesapeake Bay research is next. Would you place in the record the material showing how the \$849,000 was allocated between the upland ecology, watershed studies, estuarine ecology, and education and public information programs?

Mr. CHALLINOR. Yes, we will.

[The information follows:]

Chesapeake Bay Center for Environmental Studies—Allocation of fiscal year 1981 base

Administration.....	\$167,000
Facilities management and protection.....	218,000
Education and public information	113,000
Environmental research:	
Upland ecology	¹ 137,000

Watershed studies.....	1 92,000
Estuarine ecology.....	1 122,000
Total	849,000

¹ Includes prorated share of research staff salaries (upland ecology \$125,000, watershed studies \$42,000, estuarine ecology \$114,000) and research support.

CHESAPEAKE BAY CENTER REQUESTED INCREASE

Mr. YATES. How do you propose to use the \$50,000 for watershed monitoring in 1981?

Mr. CHALLINOR. May I refer to Mr. Sullivan, the Director of the Bureau, to answer that?

Mr. YATES. Yes.

Mr. SULLIVAN. Mr. Chairman, we have reduced the number of monitoring stations from 15 to 3 because of our receiving only \$50,000 in this current year. That money has been used to employ, on a temporary basis, a person who served to collect samples from the three monitoring stations and a person to analyze nutrients in the laboratory and related laboratory costs.

Mr. YATES. What about the replacements for the next fiscal year? What vehicles are you replacing among sedans, trucks, tractors, and so on?

Mr. SULLIVAN. We are replacing a 1972 Ford pickup truck and making repairs to a research vessel and acquiring a new Boston Whaler.

NATIONAL AQUARIUM

Mr. YATES. Let's go to the National Zoo, page A-54. You have several new animals.

Mr. REED. Yes, our guest Chia-Chia, the London Panda, is in the news but we have 2,499 other animals of many different species.

Mr. YATES. Mr. Ripley described yesterday a proposed venture into aquatic animals.

Mr. REED. Yes.

Mr. YATES. There is a story in this morning's paper about the funds being cut off for the National Aquarium. Did you read it?

Mr. REED. Yes.

Mr. YATES. I think the amount is \$200,000, actually it is \$286,000. Are you familiar with the Aquarium?

Mr. REED. Yes, sir. I have been for many years.

Mr. YATES. I have not been there myself for many years. I do not remember what it looks like. Should it be maintained and continued?

Mr. REED. In my opinion it should not be maintained in its present condition and in its present physical location. The construction we will be asking for is for the Aquatic Vertebrate House, an exhibit which will be an ecological exhibit of fresh and salt water ecosystems and the animals, plants and other living creatures associated with water.

There will be smaller tanks for fish, invertebrates and reptiles which relate to the theme we are putting forward. We are not thinking of a traditional aquarium. We think we will have a very exciting and interesting exhibit.

Mr. YATES. Are you taking over the National Aquarium?

Mr. REED. No.

Mr. YATES. What should we do with the National Aquarium, if anything? What can you do with it? Can you keep it where it was in the Department of Commerce?

Mr. REED. I would not want to keep it in the basement of the Commerce building. I think that is a bad location for it.

Mr. YATES. Nobody ever sees it there, do they?

Mr. REED. Not as many people as there are tourists in Washington. I think eventually the National Aquarium's function here in the city of Washington will be met by the exhibit that we are planning, but not with the traditional series of fish tanks that they have had in the National Aquarium for so many years.

A NEW PHILOSOPHY IN KEEPING MARINE ANIMALS

Mr. RIPLEY. I gave you a brief outline on yesterday of the coral reef exhibit in the Museum of Natural History. I think I emphasized that point, that is, that there is a new philosophy about keeping animals in marine condition which is not current in old-fashioned aquariums.

We find this in the Shedd aquariums and others as well. What we are trying to do is to make a breakthrough and sort of an adjustment in the atmosphere of both the air, water, and the animals themselves which would allow them to live for long periods of time.

Aquariums tend normally to have a turnover which we cannot afford today scientifically speaking, a turnover of animals because they die in these tanks. What we want to do is to have a self-perpetuating mechanism where animals will live, flourish, and perhaps even breed, as well as the plants.

This is a different objective, and it is in that sense difficult to call it even an aquarium. It is a kind of ecological environment where animals are supposed to flourish and continue to exist, the same kind of thing the zoo has been trying to do with its delicate animals.

Now in these days, when you cannot afford to buy 10 more reptiles, 10 more fish, or whatever it is, the way the zoos used to be in the old days in this country, changes are required.

Mr. REED. That is true.

Mr. RIPLEY. It is really not our bag, so to speak, that the Smithsonian is in the aquarium business as aquariums are defined in the old style.

Mr. YATES. Do you yet know the kinds of fish you will have?

Mr. RIPLEY. We have plans for it.

Mr. YATES. I want to get an example of the types of fish you propose to keep.

Mr. RIPLEY. Fresh-water fish.

Mr. REED. We plan to show three ecological zones—tropical arctic, and temperate—both fresh and salt water. There will be seven major ecological exhibits with water including fish, mammals, birds, and where possible reptiles. There will be at least forty smaller supporting exhibits showing aquatic life forms relevant to the seven major exhibits but which cannot be exhibited in the main exhibits for reasons of size or sociability.

Mr. YATES. Will you have manatees?

Mr. REED. Yes, in the tropical freshwater ecosystem exhibit, demonstrating the lower forms of aquatic animal life.

Mr. YATES. How will you do it? Will you have a series of ponds?

Mr. REED. A series of tanks. If I may show you the sketches, Mr. Chairman.

PLANS FOR THE AQUATIC VERTEBRATE EXHIBIT

This is a plan of the building. There will be an introduction of the corals, sea anemone, sponges, and very small invertebrate animals. We will explain the zoological relationship of these living animals to aquatic life.

The visitor will come into this area and see a South American riverbank with vegetation in the background trees, plants, material of this type. This will show in the background here.

In the water there will be manatees and compatible fish such as the arapaima and some turtles.

In this next area there will be marmosets and various kinds of birds in this land area. There you will see a slice of life in a tropical river ecosystem.

Mr. YATES. Talking about a slice of life, where will you put the piranhas?

Mr. REED. This series of tanks here shows those animals that cannot live in a social group with other types. Piranhas are only social with other piranhas. They cannot live with other fish or with man. They would be in a tank here. The archer fish of Southeast Asia would be in this tank, demonstrating a tropical, freshwater Asiatic fish. There are a number of other tropical fish that would not be in the major group but would be over here in this supporting group.

Mr. YATES. "Over here" refers to what?

Mr. REED. The river bank scene, the ecological scene of the river bank.

Mr. YATES. All right.

Mr. REED. On this side there would be the supporting cages where we have poison arrow frogs, snakes, spiders, and so forth, which are also part of the ecological scene but which cannot be well demonstrated in such a large thematic exhibit.

On the other side we show a tropical salt-water scene. You get underwater viewing and on this side you have underwater viewing for the manatee, fish, and animals living in the river scene. Up these stairs you get surface level viewing of the fresh and saltwater eco-exhibits.

Passing the next area of cold aquatic life, we see a freshwater northern stream, a trout stream with associated plants, birds, and small mammals. I would hope to have the dolly varden trout, because it is a beautiful, striking animal with a large graceful dorsal fin.

On the other side there would be a seabird cliff. These birds are very exciting because of their locomotion underwater. They actually fly underwater. They are very interesting to watch as they fly underwater.

Passing the next area of cold aquatic life as we surface up the circular ramp to the second level cold water exhibit, we come to the large penguin exhibit.

We have not had penguins in the National Zoo since 1961.

Mr. YATES. Is this open air?

Mr. REED. No, this is a glass-fronted fresh and saltwater exhibit. You will be on a standing level looking directly at the water as if you were at the edge of a boat or a pier.

However, in the center area it must be glass-fronted because of environmental control.

Mr. YATES. It is glassed?

Mr. REED. Yes, glass-fronted.

Mr. YATES. But no building?

Mr. REED. All of these exhibits are in a building.

Mr. YATES. This is all in a building?

Mr. REED. Yes.

Mr. YATES. I had a misconception. I thought it would be all outdoors as it is in nature. I thought that was Mr. Ripley's description.

Mr. REED. All of these animals require closed conditions because of their environment.

Mr. YATES. Then it is an aquarium with different presentations.

Mr. REED. This is a major educational exhibit depicting the three major aquatic ecosystems with thematic biological demonstrations for the interest and education of the people.

Mr. YATES. I will tell you what I thought it was. I thought it was an exhibit of marine animals and land animals where you do not have artificial barriers such as fences. I thought that for all intents and purposes you would be seeing animals in the field and barred only by a space between the spectator and the animal.

Mr. REED. That would be very nice but impossible in the Washington, D.C. climate.

Mr. YATES. That is what I thought you intended to do for the marine animals. That is not true, however. You intend to build a building. Rather than having the usual tanks, such as the Shedd Aquarium where all kinds of fish swim in tanks, you will have a special kind of tank.

Mr. REED. Special kind of exhibit.

Mr. YATES. A special kind of tank, or a non-tank?

Mr. REED. That is right. In the tropical area there would be no barriers.

In other areas you would have to have glass because of the environmental control.

At this end, where we have sea otters, again they would be glass-fronted primarily to protect them from the public. They are such cute, playful animals people might throw things in to them.

This is another freshwater pond which would be open-fronted. Therefore, we are trying to achieve a combination of open and glass-fronted exhibits.

COST OF THE AQUATIC HABITAT EXHIBIT

Mr. YATES. How much will this building cost?

Mr. REED. We are anticipating and asking for \$6 million for the first phase, and with refinement of the plans and design we anticipate the second phase will be an equal amount. It will be \$12 million over a two-year period.

Mr. YATES. What will the operating expenses be?

Mr. REED. We anticipate we will need about 27 employees. This includes mechanics for servicing the equipment, the keepers handling the animals, curators, janitorial people to take care of it, as well as an additional security man. We would consider requiring about 27 people.

It would be a \$1.5 million one-time cost and then about \$.5 million. So after the first year we would expect the expenses to level off to \$1.0 million a year for Salaries and Expenses and maintenance/utility costs.

This is very early on in the studies, Mr. Chairman. We do not have all the mechanical details in place as yet. This, then, is a very rough estimate because of only 15 percent completion on design concept.

Mr. YATES. This is a major investment, then, is it not?

Mr. REED. Yes, it will be a very interesting and exciting project.

This is the riverbank scene. People here are looking underwater with the turtles, and manatees doing their thing. Then we have the upper deck and the standing level from which they can be seen.

Mr. YATES. We have in this aquarium, the one which is now in existence, something that will be lost because you cannot get annual operating costs of \$280,000. [Reading:]

The Aquarium has had influential friends. The late legendary FBI director, J. Edgar Hoover, used to house his outdoor goldfish inside the Aquarium over the winter. And just a few months ago, one of Senator Strom Thurmond's children celebrated a birthday by taking friends to the Aquarium after cake and ice cream.

Senator Strom Thurmond's office said yesterday he sadly recognized the need for some budget cutting, including that of the National Aquarium.

So the Caribbean eel, the piranha, the lobsters and file fish, the trout and the lemon shark will have to find calm waters elsewhere. Some may actually end up at Baltimore's new \$21.3 million national aquarium, built by the city with about \$2 million in Federal funds, when it opens in July.

But it will cost up to \$4.50 to see the fish there.

I believe there is a national aquarium in Baltimore.

Mr. REED. I believe legislation, passed by Congress last year, did not give it the title of "The."

Mr. YATES. It says "The National Aquarium" here.

Mr. REED. If you will talk with Mr. William P. Braker, Director of the Shedd Aquarium in Chicago, you will find this has been a bone of contention among the aquarists. The organization in Baltimore likes to call itself "The," but it is actually a National Aquarium in Baltimore.

Mr. YATES. Does that same description carry over to The National Symphony? Is it a national symphony?

Mr. REED. This I don't know.

Mr. YATES. Apparently the reporter, whoever he or she was, so referred to it. We have an aquarium in being. Should we build another one in your shop?

Mr. REED. We are building an entirely different concept of aquatic exhibit. The aquarium in the Commerce building would never be able to exhibit these large aquatic animals. They never would be able to show the sea otter, the manatee, the penguins, and other animals which are traditionally within the purview of a zoo.

Mr. YATES. How do you think Senator Thurmond will react to this? He said he would not put up \$280,000 for the present Aquarium even though it was a place of celebration for his children.

Mr. REED. I would hope Senator Thurmond would feel equally good toward us. He has been out many times with his children.

Mr. YATES. The initial cost is \$12 million in two phases?

Mr. REED. Yes.

Mr. YATES. What are the operating costs? What is the total?

Mr. REED. I don't think I gave the total. It would be a one time \$1.5 million cost and then about one-half million. After the first year, we would expect the expenses to level off to \$1 million a year for Salaries & Expenses and maintenance/utility costs.

Mr. YATES. Another \$2.5 million for operating expenses?

Mr. REED. \$2.5 million for the first year and then about one million. At the present time and based on less than 15 percent of our design completed. This is what we are thinking. We hope it will be less than that but we do not know.

AQUARIUM AT THE DEPARTMENT OF COMMERCE

Mr. MURTHA. Do we know whether this Aquarium will close before October 1st? Are they phasing it out?

Mr. YATES. There is not enough money for 1981, I take it. That is part of the Fish and Wildlife Service. It will be permitted to operate until September 30th.

Mr. MURTHA. Would it not be better to keep this one open and skip the other aquarium for a couple years? If they start phasing out it may be too late for us to do anything.

Mr. REED. What we are building in this facility is not an aquaria like the one we have in the basement of the Commerce building or the traditional aquariums they have had elsewhere. This is an ecological exhibit of tropical animals which live in water. We have to have a building because the weather here in Washington is too severe for them.

Mr. MURTHA. I understand what you are saying. If we already have an aquarium that people can visit at the present time, and with budget constraints in other areas, it seems logical we should look closely at spending more money in operating expenses plus capital expenditures for this proposed aquatic exhibit.

Mr. REED. I am sure you should look at it, and I hope you will look at it and realize what this really is. What we now have in Washington is a lower class old fashioned aquarium. It is something which should have been upgraded many, many years ago. There was no space and no opportunity. And apparently no interest in the Interior Department in public education in the type of aquarium in which we are now interested.

Mr. MURTHA. If they do not realize the advantages of keeping the present one open, it may be too late to save it if we decide not to fund the other one.

Do we fund them both?

Mr. YATES. Fund both of what?

Mr. MURTHA. This aquarium and the projected one?

Mr. YATES. They are asking us to fund the new one. Fish and Wildlife came in and departed without having finished their presentation.

NATIONAL ZOOLOGICAL PARK MASTER PLAN

This is interesting because Mr. Reed has a master plan that will require expenditure of an additional \$20 million to complete four remaining projects within the master plan, of which the aquatic habitat exhibit for \$6 million is one.

Mr. REED. That was the first phase.

Mr. YATES. Your justification, Mr. Reed, states that the amount over a two-year period is expected to be \$9,300,000. That will be increased to \$12 million, I take it?

Mr. REED. With the new design and increased cost of construction. We have a design now, at least the beginning of a plan we have been working on since the last appropriation. This shows we will have a proper and good exhibition for the education and scientific studies. This is what we need for that.

Mr. YATES. When will the Great Ape House be open to the public?

Mr. REED. We are anticipating that the building will be open the week before Easter. We will be ready for our spring visitors. Our season really gets heavy at about Easter week. It is a beautiful building. We hope you will come out to see it.

Mr. YATES. Mr. Challinor spoke about fighting for the Federal dollar for the new project. Why would you not phase this out and do the things that have to be done to put your buildings in shape more quickly rather than undertaking a new construction of this kind?

Mr. RIPLEY. Referring to the zoo?

Mr. YATES. This is the zoo. You have \$6 million for this year and \$6 million next year, after which you will undertake an additional \$2.5 million a year in operating expenses.

Mr. RIPLEY. That is a very fair question, Mr. Chairman.

Mr. YATES. Yes, and what would the answer be?

Mr. RIPLEY. The answer would be to decide what the master plan for the zoo really consists of and to what extent we should adhere to it.

As I recall, this is part of the master plan. If you think we ought to abandon or tailor the master plan, we will be perfectly happy to go along with that.

RESTORATION AND RENOVATION AT THE ZOO

Mr. YATES. Let us talk about your other expenditures for the year. You have \$6 million for the aquatic facility. You have a half million dollars for renovation, repairs and improvements.

Mr. REED. Yes.

Mr. YATES. You need that to put your zoo in presentable condition and have it operating properly.

Mr. REED. Yes.

Mr. YATES. Tell me about the question of cleanliness. We had a question about that last year. You said it is difficult because of the numbers of people you have, and I can understand that.

I have not had any more complaints, have you, about the condition of your grounds?

Mr. REED. No, I have not yet. The season will start soon, however. One never knows what one will have. There will be some

reductions in personnel, and we hope to be able to make that up with contract work for some of the cleaning, the lawn work, and so forth.

I think the zoo should be in better shape this year. We have had a number of trees planted within the past year. We are looking ahead to a good year.

Mr. YATES. Is \$500,000 enough to take care of your program of renovation, repair and preventive maintenance for this next fiscal year?

Mr. REED. That is the amount for which we are programming and planning.

Mr. YATES. How much did you ask Mr. Ripley for for that purpose?

Mr. REED. During the last few years we have tried to maintain it somewhere between \$500,000 and \$650,000.

Mr. YATES. That is inadequate? Are you falling behind?

Mr. REED. We have had proper renovation programs since 1967. While we can always use more we are able to stay pretty well on top of things.

Mr. YATES. Should you have more?

Mr. REED. Yes, I could use more.

Mr. YATES. I know this is the amount you have had year in and year out. You are falling behind because of the inflation factor?

Mr. REED. The inflation factor is killing us off. We could use more money.

Mr. YATES. How much more do you need to keep the zoo going properly?

Mr. REED. This is on renovation and repair?

Mr. YATES. And improvements.

Mr. REED. I will ask Mr. Calise.

Mr. YATES. We are at the Washington Zoo itself now.

Mr. CALISE. When we started at \$400,000 we raised it to \$450,000 and wanted \$500,000. We think \$600 to \$650 thousand would take care of our repairs for the roofs, boilers and compressors as they wear out.

Mr. YATES. What roofs need repairing?

Mr. CALISE. Right now none because we are taking care of them.

Mr. YATES. When do the roofs need to be repaired?

Mr. CALISE. Repaired?

Mr. YATES. Yes. What is the condition of your buildings? Are there leaks in your buildings?

Mr. CALISE. The Elephant House roof is being replaced because it is leaking. We are replacing it with 1981 funds.

Mr. YATES. How much are you spending for that?

Mr. CALISE. About \$100,000.

Mr. YATES. Is that enough to take care of the roof?

Mr. CALISE. Yes, sir.

Mr. YATES. How do you know?

Mr. CALISE. I inspected it.

Mr. YATES. Are you a roof inspector?

Mr. CALISE. Yes, sir.

Mr. YATES. Mr. Peyton, how about that?

Mr. PEYTON. Marvelous.

Mr. YATES. Are you an engineer or an architect?

Mr. CALISE. I am an engineer.

Mr. REED. He has had long experience in the Navy. As much as I like the Smithsonian I would not share him with the Smithsonian. We need him at the zoo.

Mr. YATES. How about your other buildings? How about the walls?

Mr. CALISE. No problem with walls. We have a problem with heating, air conditioning, but we are taking corrective measures in a five-year program.

Mr. YATES. You are in good shape on then?

Mr. CALISE. If we can continue at the \$600,000 level with the R & R which we asked for.

Mr. YATES. This says \$500,000.

Mr. CALISE. We are going to \$600,000 for 1983, 1984 and—

Mr. YATES. Is \$500,000 enough for 1982?

Mr. CALISE. I have every project already proposed to be designed.

Mr. YATES. Do you go out for bid or do you have in-house help?

Mr. CALISE. We go out to bid.

Mr. YATES. Who inspects the contractors as you do the work?

Mr. CALISE. I have four inspectors in my office of construction management. I keep on top of it.

Mr. YATES. When was the last time one of your roofs was put into shape?

Mr. CALISE. I would say three years ago.

Mr. YATES. Has that roof leaked?

Mr. CALISE. No, sir.

Mr. YATES. Did you inspect it?

Mr. CALISE. These inspectors did.

Mr. YATES. There have been no leaks as a result?

Mr. CALISE. That is right.

Mr. YATES. How big a roof is it?

Mr. CALISE. We are talking about 10,000 square feet.

Mr. YATES. That is a small roof, then.

Mr. CALISE. We don't have big buildings.

Mr. YATES. There is no area for leaks to develop?

Mr. CALISE. Unfortunately there are some.

CONSERVATION AND RESEARCH CENTER

Mr. YATES. Next is funding for Front Royal, \$650,000. That is for renovation, repairs and improvements. They will accomplish work necessary for continuing critical animal breeding programs. You show \$650,000 for the construction of a delicate animal facility. What is a delicate animal?

Mr. REED. One that cannot take the weather at Front Royal or Washington. They are delicate if they have to have inside quarters.

Mr. YATES. Tropical animals?

Mr. REED. Tropical animals, yes. They are either from the southern part of the United States or tropical places throughout the world.

Mr. YATES. Can you give me an example?

Mr. REED. The golden marmoset is the most exciting and successful of our delicate animals.

Mr. YATES. \$650,000 is enough for that purpose?

Mr. REED. For this year under the plans we have developed.

Mr. YATES. How do you propose to build your delicate animal facility? Are you going out for bid on that, too?

Mr. REED. Yes.

Mr. YATES. Are the plans prepared for that yet?

Mr. REED. Plans have been prepared.

Mr. YATES. This is for continuing construction?

Mr. REED. Yes.

Mr. YATES. When will you be finished?

Mr. REED. With this one?

Mr. YATES. Yes. When will the delicate animals be brought into the building?

Mr. REED. We figure two years, late calendar 1982.

Mr. YATES. You will have small animals and birds such as the giant armadillos, flying lemurs and the myna. I have never known of one to speak.

Mr. Ripley, have you heard them speak?

Mr. RIPLEY. No. They don't chirp back at you.

Mr. YATES. Is not a myna bird a talking bird?

Mr. RIPLEY. The big hill myna is capable of learning quite a few words.

Mr. YATES. How many birds besides the myna and the parrot talk?

Mr. RIPLEY. About four species of parrots are really quite good talkers as such. The hill myna is another. That is practically all of them. Some make sort of an interesting sound and calls which they mimic, as starlings do sitting on people's chimneys and as mockingbirds do. However, there are very few talkers.

Mr. YATES. Road resurfacing for \$100,000, and miscellaneous renovations and repairs for \$200,000. Are those padded?

Mr. REED. No, sir.

Mr. YATES. Is that more than you need for the purpose?

Mr. REED. It certainly is not more than we need, particularly for Front Royal. However, we will have a master plan coming up where we will have better knowledge. It is not padded.

Mr. YATES. Does Chia-Chia still have jet-lag?

Mr. REED. Yes, and he is trying to fit into our time schedule.

COOPERATIVE BREEDING ARRANGEMENTS

Mr. YATES. The Front Royal establishment has been successful for breeding purposes. What do you do with the animals which are bred? Do you sell them to other zoos?

Mr. REED. Most of the animals we have at Front Royal we are working in a cooperative breeding arrangement with other zoos, so we are still changing animals within a breeding program. With the lesser panda and the golden marmoset we are sending feed stock to other zoos to establish breeding groups there. We are hoping to be able to return some of the deer, such as the elds deer, to Thailand for reintroduction into the wild.

PURCHASE AND SALE OF ANIMALS

Mr. YATES. Several years ago the question of pirated animals appeared in the press.

Mr. REED. Yes, sir.

Mr. YATES. Is that still a problem?

Mr. REED. As I understand, it is a serious problem as to illegal trade in parrots, and perhaps some other animals. Apparently the parrot trade is a good trade. The price of parrots has gone sky high, up around \$5,000 to \$6,000 now.

Mr. RIPLEY. More than that, \$12,000 to \$15,000.

Mr. REED. For a single animal.

Mr. YATES. Should you be part of the acquisition program? Do you buy animals?

Mr. REED. Yes, we buy animals.

Mr. YATES. How much money is in this budget for animal purchase?

Mr. REED. We have had about \$25,000 for animal purchase.

Mr. YATES. Is that an annual amount?

Mr. REED. Yes.

Mr. YATES. Have you used it every year?

Mr. REED. Yes, sir.

Mr. YATES. What did you buy last year?

Mr. REED. Do you want the complete list?

Mr. YATES. Give me some examples of what you bought last year. Are you interested in any tigers from Mr. Challinor's shop?

Mr. REED. No. We have all the tigers we need, although we are loaning animals. Animal purchases from the Federal appropriations included prairie dogs, mandrill, fishers, North American porcupines, argus pheasant, Argentine shovellor, emerald tree boa, red-footed tortoise, and rhino iguana.

Mr. YATES. Prairie dogs? Is that not the subject of a predator eradication program out west?

Mr. REED. Unfortunately there are places where they are still trying to eradicate the prairie dog from the west.

Mr. YATES. Are these the same kinds of animals you are buying?

Mr. REED. These are the animals we bought. The animals we bought were zoo-raised, captive-born animals. They are not wild. We are attempting not to take any animals from the wilds. Seventy percent of the animals exhibited at our park were captive born.

PREDATOR CONTROL PROGRAM

Mr. YATES. What do you think of the predator control program out west? Have you studied it at all?

Mr. REED. I have not studied it in the past few years. Before I came to the Smithsonian Institution I was with the State of Oregon. I was intimately acquainted with the predator control program at the time they introduced 1080. I personally thought it was a disaster in that it so thoroughly killed the animals.

There is a need for predators in the wild. The coyote keeps down rabbits. Rabbits eat grass, so rabbits are in competition with the sheepmen and cattlemen.

In the ecology of our country there is a place for these predators to keep nature in balance. Obviously the mountain lion takes the old and young deer thus keeping the deer population in balance.

You might say that he is in competition with the hunters, but the predators selectively remove the aged unhealthy animals from the population that the hunter doesn't want so in my opinion, I

think most conservationists would agree, that there is a place for the predators.

The coyotes have gotten out of hand because they are doing so well with garbage cans and chicken farms, so it may be necessary to control them in selected areas such as the suburbs of Los Angeles and Phoenix, Arizona.

Mr. YATES. Sheep herders are complaining about the coyotes.

Mr. REED. Sir, I have had experience working with sheep-herders. They will blame their losses on everything under the sky except their own mismanagement. When a sheep dies and the carcass is eaten by coyotes or eagles the animals are often wrongly blamed for the death.

If you really checked into the actual number of proven kills by predators you would find it is minor. I will probably have the American Sheep Association down on my neck tomorrow for saying that.

Mr. YATES. I think you will, too.

Mr. REED. I am sure I will.

Mr. YATES. Rather your neck than ours. However, we have that problem.

Mr. REED. Yes.

Mr. YATES. Witnesses have appeared before us and complained about the method of trapping.

Mr. REED. That is right.

Mr. YATES. The steel trap, the steel leghold trap.

Mr. REED. That is right.

Mr. YATES. Would you also like to register a no vote on that or are these necessary?

Mr. REED. There are more humane methods of trapping animals that produce death quickly. The leghold trap is a slow and painful death for an animal, and sometimes he is not killed until the trapper comes and bashes him on the head. In the meantime he suffers.

You will often see an animal which chewed off its leg to get his freedom. That is pretty grisly.

Mr. YATES. Shall I ask about the seal program, too? You see these pictures of seals being killed. Would you rather not comment on that?

Mr. REED. I think it is very gross and a degradation of the human to sink so low as to be so terribly brutal and cruel in handling these animals.

Mr. YATES. The Canadians contend that this is the management device they use for keeping down numbers.

Mr. REED. Do they need to keep numbers down? Then there is the argument of the fishermen who say the seals are taking their fish.

Admittedly a properly-placed blow on the head delivered by a man in prime physical strength is a very quick and rather humane death. However, after you have been bashing animals all day long even the strongest man gets tired and there are some terrible mistakes.

PANDA BREEDING PROGRAM

Mr. MURTHA. I would like to ask about the pandas and the expense involved in our recent relationship with England in bringing the panda to the zoo. How much did that cost us? How did we share costs?

Mr. REED. We are sharing with the British the expenses of transportation of the animal to and from. They will be shared by the London Zoological Society and us. While the animal is here as our guest, we will pay all expenses.

Mr. MURTHA. How about the results?

Mr. REED. This will be shared for the benefit of the breeding program between the two organizations. It is the London Zoo and the Washington Zoo which will use the offspring in the best manner for the panda breeding programs of the two zoos.

I know that is a kind of ambiguous answer, but the problem is that we do not yet have a breeding, do not have a baby, have not yet raised a baby, and won't until it is four years old. In five years, if we are lucky and if everything goes as I predict, we will have the question arise as to what we do with the baby.

Mr. MURTHA. You will keep the offspring here, then?

Mr. REED. No. It may go to London. If it is more useful for the breeding program of the Giant Panda, then it would go to London. Of course, if we have a baby here it will obviously have to stay during infancy with its mother in the Washington Zoo. One so sweet and cuddly has to stay with its mother. Exhibition-wise we will have the best show. Then we will decide where it is best for the species of animal to be regardless of how we feel about public exhibition and public sentiment.

Mr. MURTHA. All it cost us was the plane fare over and back?

Mr. REED. We will share the transportation between the two zoos. Half will be ours. I do hope that one of the American flag carriers will assist us with this little problem.

Mr. RIPLEY. We might even get twins. Don't overlook that possibility.

Mr. REED. That would be nice. There have been but both have not lived.

Mr. RIPLEY. They had two in Peking. Only one survived.

Mr. REED. Twins have never survived.

Mr. MURTHA. That would increase the number of people coming to the zoo.

Mr. REED. Yes, it will.

THE CENTER FOR THE STUDY OF MAN

Mr. YATES. The Center for the Study of Man is next. There was a furor several years ago about the amount of money that the office put into the National Anthropological Film Center. Has that been resolved? Margaret Mead died.

Mr. RIPLEY. Yes.

Mr. YATES. What happened after she died?

Mr. RIPLEY. The furor disappeared.

Mr. YATES. You are asking for \$68,000 to index and catalog this Center.

Mr. RIPLEY. Yes.

Mr. YATES. Is that adequate?

Mr. CHALLINOR. That should be adequate for the purpose, yes.

OUTREACH PROGRAM AT THE HIRSHHORN MUSEUM

Mr. YATES. What is the outreach program of the Department of Education of the Hirshhorn?.

Mr. BLITZER. I will ask Mr. Lerner to comment on that.

Mr. YATES. Sure.

Mr. Lerner, you show \$25,000 for the Hirshhorn Museum to increase support for the outreach program.

Mr. LERNER. As you know, sharing equal importance with the museum's exhibitions, research and publications programs is the museum's education mission. Inside the museum and off-site the Department of Education organizes a great variety of activities ranging from scholarly lectures to film programs for children. The Education Department conducts various extensions, or outreach programs, the prime aim being to attract and build new audiences to better understand what they see when they visit the museum. Such programs have been developed specifically for elementary school tour groups, talented and gifted children, and a variety of other groups, including senior citizens in nursing homes and other facilities.

All these programs have been immensely successful. The demand for them increases and is already, in spite of active volunteer help, outdistancing the Department's ability to respond.

The staff creates programs, manages them, makes many of the presentations, and recruits, trains and supervises volunteers.

To assist in these endeavors in which the museum places major emphasis, \$25,000 is requested to increase support of the museum's Department of Education and in particular the outreach program. Funds provide for the services of two art history instructors who will be hired on contract as well as to provide related and badly needed supplies.

Mr. YATES. Two art history instructors for \$25,000?

Mr. LERNER. They will not be working full-time.

Mr. YATES. Will you hire them or contract?

Mr. LERNER. Contract. We cannot hire them.

Mr. YATES. Thank you, Mr. Lerner.

SECURITY AT THE NATIONAL MUSEUM OF AMERICAN ART

Let me turn to the National Museum of American Art. You want \$25,000 to purchase alarms and safety devices for high-value objects in cases.

Mr. RIPLEY. That is where the snuff box was.

Mr. YATES. How do you say "better late than never" in Chinese? Do you have alarms now in your cases?

Mr. BLITZER. I will have to give the committee a private report about that. I would rather not go on the record with that.

Mr. YATES. Do you have them?

Mr. BLITZER. Yes. But we have zero dollars for that purpose in this museum's base.

Mr. YATES. For the record, every museum has that. If anybody were going to try to pilfer something the alarm would go off?

Mr. BLITZER. Yes.

Mr. YATES. Off the record.

[Discussion off the record.]

Mr. YATES. You want \$25,000 to implement your alarm system for your cases. Is that adequate for the entire institution's purposes?

Mr. BLITZER. No.

Mr. YATES. This is just for you?

Mr. BLITZER. Just for that one Museum of American Art.

Mr. YATES. Has anybody considered whether you need more than \$25,000 for the whole enterprise? ✓

Mr. BLITZER. We are in the process of developing a phased program which we hope to present to you.

DISPOSITION OF EXCESS COLLECTIONS

Mr. YATES. I have been talking to the Deputy Secretary on the subject of exchanges. He indicated that you have numbers of stamp collections, more than you need because there are duplicates of various kinds.

The question was asked whether or not this would offer the opportunity for bartering or selling at auction.

I asked the judge yesterday whether you had that authority. The judge really was not very precise in his opinion.

Were you precise, Judge? Did you say they could be sold or exchanged?

Mr. POWERS. What was the question, sir?

Mr. YATES. The question of stamps. I imagine it depends on the terms of the grant, bequest or will.

Mr. POWERS. In general, I think the answer is yes. However, we are still studying the question. Some of the stamps we have are not postage stamps. They are treasury revenue stamps which are out of date. They are no longer in use. We received a surplus a few years ago of vast quantities of these which no longer would be used.

There are people who collect everything. There are stamp collectors who collect these kinds of stamps. We have been studying the problem now for some six months. One part of it deals with the practicality of this.

Mr. YATES. Deals with what?

Mr. POWERS. The practicality of it. If you try to sell thousands of a particular kind of stamp in a small market, they will not realize very much.

What I am working on is the extent to which we are free to sell them. I think we contemplate consulting with Treasury about that to be sure they do not have any objections.

Mr. HUGHES. The point I wanted to make, Mr. Chairman, is that there are opportunities. Some come about as a consequence of inventory and clear identification of duplicates in stamps which may be hardly distinguishably different. Exchange is always a possibility to improve the collection, which we would like to do.

However, there is an additional opportunity if we can work out both the law and the practicalities of the market situation to dispose of them for money, which then can be used for purposes such as safeguarding the rest of the collection if that is the option available.

Mr. YATES. If the judge lets you do it I think it is a good idea.

Mr. POWERS. There is one case where the question of duplicates is very clear. Most of these are duplicates.

Mr. YATES. Presumably if the stamp has value you will continue to hold it unless there were duplicates. If it has no value, nobody else wants to buy it. There is a question of saving space involved, then.

Mr. HUGHES. Saving space but also the security problem is substantial for small items like stamps. Wise judgment would dictate that it is better to dispose of them and get the proceeds than to protect them forever.

Mr. POWERS. It is helpful to have your concurrence.

Mr. YATES. It is a good idea if you have so many of a particular quality. I think it is the better part of husbandry to dispose of them.

Mr. RIPLEY. Would that include antlers?

Mr. YATES. Is there a market for antlers?

Mr. RIPLEY. There may be in Hong Kong.

Mr. YATES. That is point one. Point two is that if by some chance you can say they belonged to Teddy Roosevelt that might create a market for them.

Mr. RIPLEY. One of my headaches is the numbers of antlers.

Mr. YATES. What about rhinoceros?

Mr. RIPLEY. Not many of those.

Mr. YATES. Off the record.

[Discussion off the record.]

Mr. RIPLEY. There are dagger handles made in certain parts of the Middle East. They are considered a status symbol.

THE JOSEPH HENRY PAPERS

Mr. YATES. The next item is the Joseph Henry papers. When will they be completed?

Mr. BLITZER. They will be ended toward the end of the century.

Mr. YATES. How about the Ripley papers?

Mr. RIPLEY. Never, I hope.

Mr. BLITZER. For the Henry Papers under the Reagan budget we are asking for no increase here, since a new position was involved.

ADDITIONAL CONCERNS OF THE HISTORY AND ART ACTIVITY

Mr. YATES. Do you have any particular problems with your museums that you have not told us about here?

Mr. BLITZER. Several problems are reflected in the funds we are asking, for care of the collections, exhibitions and the like. They appear throughout the justifications.

If I might say one unsolicited word. Having sat through the morning, I really feel moved to say that for a year and a half or so, although the kinds or problems you discussed here are certainly real problems, Mr. Peyton has greatly improved our ability to deal with them.

Mr. YATES. I empathize with him. He has a difficult job. It is difficult to keep track of these huge establishments such as the Smithsonian. I agree that it is a very difficult job. However, it is a job which has to be done.

If I pushed him a little bit, I hope he did not take umbrage. It is because I am interested in the same goals he and you are.

Mr. BLITZER. I do not think you pushed him unreasonably at all. These are real problems. I think he has helped us with the solution.

Mr. YATES. We are glad to have that for the record.

NATIONAL MUSEUM OF AMERICAN HISTORY

Now we come to the rare collection of violi da gamba.

Mr. KENNEDY. This is the same kind of instrument as the violin or the viola.

Mr. YATES. What does "da gamba" mean?

Mr. BLITZER. Of the legs.

Mr. YATES. How is it different from the violoncello?

Mr. KENNEDY. It is smaller. You hold it between your knees.

Mr. YATES. How did you get a collection? You have not only violi da gamba but many other rare musical instruments. Is that right?

Mr. KENNEDY. Yes, sir.

Mr. YATES. Does not the Smithsonian also have a collection of Stradivari and some of the others?

Mr. KENNEDY. We have very fine string instruments.

Mr. YATES. I have seen publicity on these, so I have no hesitancy in putting this on the record.

Mr. KENNEDY. Yes, sir.

Mr. YATES. You usually put them out for use, do you not?

Mr. KENNEDY. We try to.

Mr. YATES. I know the Library of Congress does, too.

Mr. KENNEDY. We do.

Mr. YATES. This helps keep them in shape, I am told.

Mr. KENNEDY. It keeps two things happening.

Mr. YATES. Like an automobile. You have to use it occasionally?

Mr. KENNEDY. You have to use them in order to convey to the public how they are used because they are not like the modern instruments. It is good for the public to hear them.

Mr. YATES [reading]:

During the next year, staff members will be engaged in the following broadly conceived social history studies: coppersmithing and glassmaking, as they are transformed by new machines and new forms of business organization; the emergence of the textile industry in America through an intensive study of the country's first textile mill village.

It sounds good.

PHOTOGRAPHIC EXHIBITS

You want an increase of \$220,000 for enhancement of the museum's publications program. When will you have a photographic exhibition?

Mr. KENNEDY. We have two up now. In the third floor galleries we are installing a fresh one, "Images of 19th Century Women." The preceding photographic show had "Images of American West," showing how photographers saw chunks of the west, and the way technology of the photographer created a different set of images. You wound up seeing the same physical object in a wholly different way.

Mr. YATES. If memory serves me correctly, you have an extensive collection of stock in print.

Mr. KENNEDY. Yes. We have a substantial representation.

Mr. YATES. Which of the other famous photographers do you have besides Steiden? You have Paul Stand?

Mr. KENNEDY. I don't know that collection. As a matter of fact, I do not think we know it as well as we should.

One of the processes of inventorying is not only to identify in physical terms but to identify the capabilities of the museum for better shows. We are working our way through not only those which are printed but the glass plates and other kinds of plates we have not yet printed out. There is some money in the budget for that as well.

We really do not fully know the riches we have in photography because we have not really been fully exploiting that collection.

Mr. YATES. Is that true of other assets of other objects held by the organization?

Mr. KENNEDY. Sure. That is what the curators are for, and that is what the fresh looks are for.

Mr. BLITZER. I think we reported to you in the past an enterprise we are engaged in now funded with trust funds, creating initially finder's guides for collections throughout the Smithsonian. One having to do with prints and drawings is in manuscript at the Smithsonian Press and will be out this spring or summer. Two others deal with decorative art collections and with photographs. These will not be inventories but they will direct, they will consist of finder's guides to direct people to resources they might not otherwise expect.

For example, Air and Space Museum has photographic collections, the Museum of Man has important photographic collections. The Archives of American Art has them. This will help tell people where the collections are.

CONSERVATION EQUIPMENT

Mr. YATES. For fiscal 1982 you want \$15,000 for the purchase of ultraviolet infrared examination equipment. You then say that you also want a vacuum hot table for paintings and painted objects.

Mr. KENNEDY. Yes.

Mr. YATES. What is that for?

Mr. KENNEDY. That is for the conservation laboratory. The conservation processes we have are like that described to you earlier today.

We have painted objects, many of them objects of great value, which will decompose unless we tend to them properly. That is what that money is for.

MAINTENANCE OF WINDOW FRAMES ON SMITHSONIAN BUILDINGS

Mr. YATES. Speaking of decomposition, might I ask Mr. Peyton another question? You made reference to funds which were needed to replace window sash because of failure of maintenance. I think it might have been on the castle.

Mr. PEYTON. Arts and Industries building.

Mr. YATES. How many of your other buildings are in that same condition? How many are suffering? How many of the window frames are suffering as a result of inadequate maintenance?

Mr. PEYTON. Renwick is the only other one I know of. We intend to do that in conjunction with the stone work.

Mr. YATES. That will be up to date, then?

Mr. PEYTON. Yes.

Mr. YATES. Would you say the necessity for maintaining the window frames and the other wooden work against the elements will be up to date as a result of this budget?

Mr. PEYTON. No, sir. It will be up to date as a result of the five-year prospectus funding plan.

Mr. YATES. Will any of that be lost because of elements in the next year or two or three because you will not have taken care of it this year?

Mr. PEYTON. The wooden frames in the windows in both the Arts and Industries Building and the Renwick is probably the original wood and it dates back 80 or more years. Some of that wood is beyond saving at this point.

Mr. YATES. The point I would like to make is that I would hope you would ask us for money to help you prevent the wood from disintegrating so that it would have to be replaced, if indeed it can be saved.

Mr. PEYTON. With the exception of those two buildings we are adequately funded.

SCHOLARLY JOURNAL

Mr. YATES. You are going to provide the scholarly community with the opportunity to carry on a journal called Technology—and—Culture. Are you assuming any expenses in connection with that?

Mr. KENNEDY. No, sir. We will be using our own staff with the cooperation of one curator from the Air and Space Museum, a historian of technology. This seems to us to be the scholarly journal dealing with that body of activity which many of our curators work on anyway. Net no additional dollars.

STEAM TENDER

Mr. YATES. You have a new stationary steam tender. Does it work?

Mr. KENNEDY. Yes.

Mr. YATES. Without restoration?

Mr. KENNEDY. No. It required some restoration but it now works just fine.

Mr. YATES. Do you take it out occasionally?

Mr. KENNEDY. We are about to take out not that one but another one next spring. We are hoping to show you how nice a moving exhibit is which really moves.

Mr. YATES. You will tie it in with Amtrak?

Mr. KENNEDY. Yes.

Mr. YATES. How do you propose to do that?

Mr. KENNEDY. We would prefer to do that off the record, Mr. Chairman.

[Discussion off the record.]

SOLUTIONS TO ASBESTOS CONTAMINATION

Mr. YATES. At page 68 you say you want to correct contamination. Is that an asbestos problem?

Mr. KENNEDY. Yes.

Mr. YATES. What will you do about it?

Mr. KENNEDY. That has been occupying the attention of both the medical and construction experts for a couple years around here. I am not an expert on asbestos.

Mr. YATES. Mr. Peyton?

Mr. PEYTON. There are several solutions which can be applied to correct this problem. We try to apply the most economical and the most effective method. One is to encapsulate the asbestos in place. Commercial compounds are available that seal the asbestos. However, it is very important to ensure that the asbestos firmly adheres to the original surface before sealing it. If the asbestos is loose, sealing it is not effective.

Mr. YATES. We have that problem in a number of schools back in my district.

Mr. PEYTON. Another solution is to remove the asbestos completely, down to literally the last fiber. There are companies that specialize in this type of removal. They wear protective clothing. They have special vacuums and special tools which enable them to get into the overhead spaces.

I think that the basic start for these companies has been the school program.

The third technique we have employed—and we have used this at Silver Hill—is to leave the asbestos in place, take advantage of the insulating effect of the asbestos, which is the reason it was put there to begin with, add additional asbestos over the top; cover that with sheetrock or some type of hard board, which is either screwed or nailed in place; and cover the joints with a sealing strip.

Mr. YATES. In how many buildings does this present a problem?

Mr. PEYTON. We have identified asbestos insulation and pipe-covering material in seven or eight of our large major buildings. At the Silver Hill facility asbestos is openly exposed in seven or eight buildings that essentially are unfinished except for that insulation.

Mr. YATES. Do you keep employees away from these buildings?

Mr. PEYTON. In each case where we have discovered asbestos we have had the material examined to determine the actual asbestos content. There are certain OSHA standards regarding this.

We have also conducted tests to capture free air that is in the space to see whether there are asbestos particles. The machine that does this simulates human breathing. The collectors can be attached to workers who move around in the space.

In every instance so far, the test results from these collectors have indicated that our people are in less than the threshold limit of exposure.

We have had some tests very near the threshold limit, so this is obviously a concern to us.

We have posted signs in these areas, indicating exactly what the problem is. We have made available plastic suits which are recommended by NIOSH. These protective suits are uncomfortable to

wear because they seal the body, and people moving around naturally perspire, and it can be very uncomfortable.

We have also purchased special vacuum cleaners to be used in these areas to gather up any dust that may include some of these particles.

We also maintain a log of people who go into the spaces and have a medical surveillance program where we periodically x-ray those individuals to check up on them.

Mr. YATES. Have there been any claims filed by employees?

Mr. PEYTON. No, sir. Establishing a medical history of this is a long-term program.

Mr. YATES. Do you have to worry about this in any of your exhibition halls?

Mr. PEYTON. No, sir.

PHOTOGRAPHIC COLLECTIONS AT NATIONAL MUSEUM OF AMERICAN HISTORY

Mr. YATES. At page A-70 you say your photographic exhibitions are in great demand. Is this for your SITE program? What does that mean?

Mr. KENNEDY. At the bottom of the paragraph?

Mr. YATES. Yes.

Mr. KENNEDY. That is part of what I tried to refer to earlier. We have very extensive photographic collections which were assembled primarily for the purpose of examining the history of the technology of the photographic process. They were not assembled so much for the purpose of showing them as objects as you would in an art museum context, but they are interesting technologically, historically and aesthetically. You want to get a fresh cut at that. You also want to be sure they don't fall apart. Some of them which happen to be on glass plates. There are tens of thousands of these. We are just getting a handle on how to care for them properly, and to microfilm those which will of necessity fall apart, because you cannot maintain the original chemical substance.

Mr. YATES. Do you collect color photographs, too?

Mr. KENNEDY. There are some, but primarily these tend to be older.

STORAGE FACILITIES

Mr. YATES. Mr. Peyton, when the museum support center is open and operating, will you abandon the facilities which have the asbestos material in them?

Mr. PEYTON. No, sir. I do not believe that is the plan. The Smithsonian collection grows as time goes on. I think all of our facilities in that category will be used.

However, we do have as part of our R&R program an annual increment of approximately \$250,000 for an ongoing program to apply one of the remedies I previously described.

Mr. YATES. That should take care of it?

Mr. PEYTON. Over time, yes.

Mr. YATES. As you apply the remedy it is supposed to take care of that situation?

Mr. PEYTON. That is correct, sir.

NATIONAL MUSEUM OF AMERICAN ART

Mr. YATES. How about the National Museum of American Art? The name was changed.

Mr. BLITZER. As the Chief Justice said, "You are changing the pleadings to fit the facts." This is a more apt description of what that museum is. It is a National Museum of American Art. The old name has a strange history. National Collection of Fine Arts was coined by someone. We have never been happy about it.

EXHIBITIONS AT RENWICK

Mr. YATES. Page A-76 is next. How do you go about getting those beautiful collections of craft at the Renwick? Who does that for you?

Mr. BLITZER. Largely Lloyd Herman, the director of the Renwick.

Mr. YATES. Those exhibits on the first floor near your book store are spectacular, both the ceramics and the glass collection.

Mr. BLITZER. Thank you.

Mr. YATES. Do you buy any of those?

Mr. BLITZER. We are having discussions about whether we should not have a more active program of acquiring American handicrafts. The Renwick was established as a museum without a collection, supposed to be just a showcase. We are having conversations between Cooper Hewitt, Renwick and American History. The line between fine arts and craft is fuzzier and fuzzier.

Mr. YATES. Some of those old Indian pots are just beautiful. How about Maria Martinez? Her pots are just magnificent.

Mr. BLITZER. Yes.

Mr. YATES. I suppose you, as the authority on this, would classify that as a craft rather than an art?

Mr. BLITZER. We are trying to sort it out and not get too bothered by distinctions and be sure the Smithsonian collects them.

Mr. YATES. To what conclusion have you come?

Mr. BLITZER. Basically if it is European, Cooper-Hewitt should collect it. If it is American and made primarily for use, the Museum of American History should collect it. If it is made primarily to be looked at rather than used, the Museum of American Art should collect it.

Mr. YATES. Should it be collected?

Mr. BLITZER. We feel so, yes.

Mr. YATES. A Maria Martinez pot costs about \$25,000, does it not?

Mr. BLITZER. Yes, sir.

Mr. YATES. You are going to have the art of Appalachia, shown on page A-76. What art does Appalachia have? Are you talking about the mountains?

Mr. BLITZER. The text says it will be largely paintings, drawings, sculptures and prints. One of the fascinating things about this museum is that it is continually answering questions like that that none of us really knows anything about. They have done these regional shows. They have done the Northwest, California—

Mr. YATES. They have done the West.

Mr. BLITZER. They are working their way around the country.

Mr. YATES. Out of deference to Senator Byrd they have moved to Appalachia?

Mr. BLITZER. Bad timing.

Mr. YATES. Will that be a juried exhibition?

Mr. BLITZER. Yes.

Mr. YATES. How do you select the juries?

Mr. BLITZER. I don't know how they are selected. As you see, this will travel throughout the Appalachian region.

NATIONAL PORTRAIT GALLERY

Mr. YATES. Can you tell whether your visitations to the National Portrait Gallery have increased?

Mr. BLITZER. The Washington portraits came late in fiscal year 1980—

Mr. YATES. How about attendance?

Mr. BLITZER. It went up 16 percent in fiscal 1981 since October.

Mr. YATES. That portrait gallery is beautiful.

Mr. BLITZER. I wish Mr. Sadik were here to hear it.

Mr. YATES. Next we have a controversial item. July 1981 will mark the opening of "Champions of American Sport," a colorful tribute to 100 of the greatest men and women athletes in our nation's history.

Who selects the 100?

Mr. BLITZER. The staff of the National Portrait Gallery.

Mr. YATES. How many of them were athletes?

Mr. BLITZER. That is an interesting question. The way the Gallery is organized that would normally be the province of historian, Dr. Pachter, who is not himself terribly expert. It has been assigned to other members of the staff.

I was rather hurt I was left out. I think it will be done carefully.

Mr. YATES. How do you do it? I suppose you refer to 100 of the greatest.

Mr. BLITZER. That is carefully written.

Mr. YATES. That is taking on a challenge, though. Who decides Jim Thorpe and Babe Didrikson? Were there others? Jackie Robinson?

Mr. BLITZER. We will know when the show opens. For the earlier period I will have to admit some of the choices will depend on our ability to find portraits of people. That is not a problem with recent figures.

Mr. MURTHA. Photographs or portraits?

Mr. BLITZER. Photographs as portraits.

Mr. RIPLEY. Likenesses in some form. Jess Willard is included among the sculptures.

TRAVEL FOR ARCHIVES OF AMERICAN ART

Mr. YATES. Archives of American Art. Have you missed any collections because you have not been able to travel in recent years?

Mr. BLITZER. May I ask Mr. Woolfenden, the director of the Archives, to speak on this?

Mr. YATES. Have you missed collections as a result of not being able to travel in recent years?

Mr. WOOLFENDEN. Yes. We will miss more this year.

Mr. YATES. Tell us which ones you missed.

Mr. WOOLFENDEN. We have not done much in Chicago. We should be down there more getting things in that area. Our man is in Detroit.

Mr. YATES. Our finest Chicago collection moved to New York without you?

Mr. WOOLFENDEN. We want only papers. We have a chance right now at a big Ohio project funded by the Putnam Foundation. We need transportation to do that.

Mr. YATES. I think the committee can provide you a return trip from Washington to Ohio, but not much farther.

Mr. WOOLFENDEN. And moving our man from San Francisco to the Pacific Northwest where there are many papers we need.

One of our problems, I think, is the definition of travel. If an area director is going out to pick up something and bring it back with him, it sounds as though he was going out to Laguna Beach or something.

Mr. YATES. I am sure he does.

Mr. WOOLFENDEN. Even transportation gets to be a problem for us.

Mr. YATES. You have not told us about any that you have lost as a result of inability to travel. What have you lost?

Mr. WOOLFENDEN. We have not really lost them. They are out there. We have a whole list of things we would like to get, desired collections. There is an enormous collection of Frederick Church papers up in New York State, probably the finest collection of 19th Century American artist papers not under lock and key.

Mr. YATES. Say you go up there to look at these Church papers. What do you hope will happen?

Mr. WOOLFENDEN. In that case we would take a camera up and film them at Olana. Then we would have the microfilm to make available to the five area offices.

The papers of Mark Tobey are in Seattle, again we need to take a camera up there and microfilm those.

Mr. YATES. Why don't you have one of the members from Oregon do that?

Mr. WOOLFENDEN. That is a really good idea. Put them on our committee.

Mr. YATES. You have one on this committee. Mr. AuCoin would be glad to do it.

Mr. WOOLFENDEN. He is not here today. I was keeping an eye on him.

Mr. YATES. Would you do the Lorado Taft papers in Chicago?

Mr. WOOLFENDEN. Sure. There are papers every place. One of our great problems is identifying where they are. You need somebody in the field to dig them out. That is one of the reasons we are in business. We don't know enough about where American artists' papers are. We don't know what really happened in Chicago.

Mr. YATES. Why not advertise rather than travel?

Mr. WOOLFENDEN. You get all the wrong things. It is the Sunday painter who wants to give you his papers. To get the really good things you have to go after them.

Mr. YATES. Why not advertise for the kinds of good papers you want, if you want the Church papers, for example? What other artists do you want?

Mr. WOOLFENDEN. We are working with the DeKoonings now, with Lee Krasner. We keep going back out to East Hampton to get the New York school people who were there.

A man in Boston travels around New England looking for things.

Mr. YATES. Have you gotten any as a result of going to these conferences?

Mr. WOOLFENDEN. Yes, lots.

Mr. YATES. Where do you put them?

Mr. WOOLFENDEN. We take them all down here and place them in the Washington Center.

One fascinating thing with DeKooning papers is that we have been getting his income tax reports which are a tremendous record of the history of American art. We begin to see what the market was when DeKooning was recognized.

Mr. YATES. When did that take place, about 1951?

Mr. WOOLFENDEN. About that. We have Franz Kline's papers. They are full of pawn papers. Suddenly he drives an elegant European car.

That is another problem. You never know what you may want. What may be the thing that tips off the scholar and gives him a line on what he needs to know.

Mr. YATES. Where will you have five regional centers?

Mr. WOOLFENDEN. We have them now one in Boston, one in New York, Washington, Detroit, San Francisco, and we are being courted right now by Los Angeles partially through the Getty Foundation. I am going out the end of next week to see whether we can do something there.

We will make it clear to them there is no Federal money available.

Mr. YATES. Thank you, Mr. Woolfenden.

VISITOR INFORMATION CENTER

You want \$22,000 for the Assistant Secretary for Public Service part-time positions. What happens if you do not get the increase?

Mr. RIPLEY. Mr. MacDonnell is here.

Mr. MACDONNELL. Might I open by saying Mr. Euell has asked me to extend his personal regrets that he could not make it.

Mr. YATES. I hope he gets well quickly.

Mr. MACDONNELL. We expect him back at least on a part-time basis next week.

Mr. YATES. When was he operated?

Mr. MACDONNELL. January.

Mr. YATES. You want another \$22,000 for Public Affairs.

Mr. MACDONNELL. Public Service. Public Affairs is another office in the Institution.

Mr. YATES. What happens if you do not get the money?

Mr. MACDONNELL. The reason for that request is that the Visitor Information Center, which uses mostly volunteers, hundreds of volunteers, mans all our information desks. I am sure you know the summertime is our peak period. At that time we would like to be able to hire five part-time employees who would assist us with

the increased work load due to the large influx of people who come in during that time.

Mr. YATES. Thank you, sir.

Mr. YATES. Do you have cultural exchanges with the Soviet Union? This has nothing to do with Public Service.

CULTURAL EXCHANGES WITH COMMUNIST COUNTRIES

Mr. Ripley, do you have cultural exchanges with the Soviet Union?

Mr. RIPLEY. No.

Mr. YATES. Do you have cultural exchanges with any of the Communist countries?

Mr. RIPLEY. We have proposed having an exchange exhibits program. Perhaps Paul Perrot can help me out with this. We proposed one with Rumania, sending an exhibition to Rumania and receiving one in exchange in the area of art. That would be cultural.

We have had a request from Bulgaria which we have not yet honored.

Mr. YATES. This does not relate to classified material of any kind, does it?

Mr. RIPLEY. None whatsoever.

DIVISION OF PERFORMING ARTS

Mr. YATES. You have a Division of Performing Arts, requesting an increase of \$36,000.

Mr. RIPLEY. Mr. Morris, who is in charge of the Division of Performing Arts, is here.

Mr. YATES. And very talented.

Mr. Morris, how does what you do differ from what the National Endowment for the Arts does?

Mr. MORRIS. We produce programs.

Mr. YATES. You don't get any of their money?

Mr. MORRIS. No, sir. Our gross expenses for this year, sir, are \$4.2 million.

Mr. YATES. What do you spend it for?

Mr. MORRIS. The majority is for the purchase of recordings, which are then resold.

Mr. YATES. Does that come out of your department?

Mr. MORRIS. Yes, recordings are included.

Mr. YATES. Do you sell any?

Mr. MORRIS. A few, about 110,000 this year.

Mr. YATES. When will you get a one million gold record?

Mr. MORRIS. We have a gold and a platinum record for the Smithsonian collection of classic jazz, and for Treasury of Bach we will earn a gold this year.

Mr. YATES. What happens to all the money you make as a result?

Mr. MORRIS. We recycle it into our own programs.

Mr. YATES. How much comes in?

Mr. MORRIS. Total income of \$4.5 million this year.

Mr. YATES. What is your net, then?

Mr. MORRIS. My gross expenses after that are \$4.16 million.

Mr. YATES. You operate at a profit, then?

Mr. MORRIS. Yes, sir, I am operating at a profit, a surplus of about \$350,000.

Mr. YATES. That is why Mr. Ripley keeps you, because you operate at a profit. Is that right?

Mr. MACDONNELL. I might interject, and I think it is safe to say this for Mr. Ripley, he keeps this program because it does so well and advances the mission of the Smithsonian so well.

Mr. YATES. Diffusion of music among men.

Mr. RIPLEY. Increase and diffusion.

Mr. YATES. Records cover more than music?

Mr. MORRIS. Some aspects of theater and, to a small degree, some dance programs.

Mr. YATES. Have you passed the Reagan barriers? How much money is in this for you?

Mr. MACDONNELL. A total of \$36,000 which we are requesting this year, for two term positions.

Mr. YATES. You came out pretty well. You are a good hurdler. Sounds as though you are doing very well.

Smithsonian Chamber Players. That is a new one to me.

Mr. MORRIS. This group has been in operation five or six years making use of the musical instruments in the Museum of American History such as the violi da gamba you talked to Mr. Kennedy about.

They also record performances on those instruments so there is a permanent documentation of how they sound and the way the performance practices are employed.

JAZZ RESEARCH PROGRAMS

Mr. YATES. You have a jazz research program, have you not?

Mr. MORRIS. Yes.

Mr. YATES. There is a lovely young lady in the music department of the National Endowment for the Arts who also is interested in developing a jazz program. Do you remember her name?

Mr. MORRIS. Aida Chapman?

Mr. YATES. Yes. Are you working together? Should you both be spending money for this?

Mr. MORRIS. Mr. Kennedy and I have had conversations, both of us, with Miss Chapman and others at the Endowment. Their goals are potentially compatible with ours.

Roger, would you like to speak to that?

Mr. KENNEDY. There is no overlapage because at the moment all we are doing is seeing what each of us can do best, that is, what Jim can do and what kind of space we might provide which complements what the Endowment can do or cannot do, depending on how much money they get.

The conversations are not proceeding very actively. At the moment we know that Mr. Morris can produce and we know we have a barn to occupy with performing activity. However, we don't know exactly what it is they will be able to do.

Mr. YATES. What is it that she wants to do?

Mr. KENNEDY. Those conversations just about got to the point where we were going to ask that question ourselves when it was suggested to us that they would have to find out whether they had

any money to do whatever they wanted to do before they thought they wanted to talk to us anymore.

Mr. MORRIS. According to the position paper developed by the jazz panel of the Endowment, their goal is to establish a permanent presence for jazz.

Mr. YATES. What do you mean by "a permanent presence"?

Mr. MORRIS. That is the conversation we never got around to. We feel that issuing 20-plus archival recordings of jazz, publishing several books on the subject, working on a book of jazz scores, a group of other publication projects down the line, and developing a repertory jazz ensemble was an appropriate presence. They may be looking for something else.

Mr. KENNEDY. All of us feel that American music belongs in Washington on a regular sustained basis presented in a dignified way so that the public has access to all the major branches of American music. We are for that.

We have certain facilities which we are trying to use in the best way we can to do that. We raise privately a lot of the money for special musical programs, some of which some people here have seen.

Our traditional programs in our museum started with the instrument and worked out from the instrument to the performer.

Jim's operations tend to start with the musical form and work back toward the instrument.

Mr. MORRIS. That is right.

Mr. KENNEDY. What we work out with the NEA will, I should think, depend very much upon whether there is a place to which Americans can go not only to hear music but see the artifacts associated with the making of that music. You can think of a lot of examples such as Louie Armstrong's trumpet. That is about as far as we have gotten with these discussions.

Our object is to present to the public, in a place where they can kind of expect it, those artifacts which are associated with the making of American music and American music being actually made with those artifacts, which is part of Jim's shop.

Mr. YATES. Are you talking about a national museum?

Mr. KENNEDY. Space in the National Museum of American History of which music is part.

FOLKLIFE PERFORMANCES

Mr. YATES. Is there duplication between your performance programs and those of the Library of Congress? They have a Folklife festival and so do you.

Mr. MORRIS. We do not duplicate.

Mr. RIPLEY. I suggest, Mr. Chairman, that the creation of that Folklife Center which is seated in the Library of Congress led to the differentiation quite clearly between responsibilities which were to be performed by the Smithsonian and those assigned to others in this triumvirate.

Mr. YATES. Which triumvirate?

Mr. RIPLEY. The one forming the Trustees of the American Folklife Center. It was set up under legislation, put forward and finally adopted in Congress. This was to be vested in the Library of Congress. They in effect preserve documents. We in effect conduct

performances, either through the performing arts, a festival, or encouraging them, and the NEA has the third part of the triumvirate, that is, paying for other performances throughout the country.

Mr. YATES. If you have performances, why are they performing? I see them performing Folklife folk music on the plaza of Congress periodically.

Mr. RIPLEY. I hope this is not somehow or other some kind of competitive or overlapping activity.

Mr. YATES. That is why I asked the question. I have the impression it is in the nature of an overlapping activity.

Mr. RIPLEY. Perhaps Ralph Rinzler can answer that. He usually sits in for me at these meetings. I was part of the initiation.

Mr. RINZLER. We have recently signed an agreement coordinated by the Federal Council on the Arts and Humanities outlining the specific role of the endowments, the Smithsonian and Library of Congress.

While the Library does do symbolic performances four times a year, five times a year, in the warm weather months, the Smithsonian does living exhibitions including the annual festival. The Library concerts come out of research which either they or others do. In fact we help them with concerts sometimes by providing background research information. The Library also gives us results of its field research for use in the presentation of exhibits like the one currently in the Museum of History and Technology, the Museum of American History now, called Buckaroo.

The Smithsonian carries on research in the field which leads to performances which are much more heavily documented with photo exhibits and scholarly articles than the more entertainment-oriented performances which take place in a casual atmosphere such as the steps of the Capitol.

Mr. YATES. Thank you, Mr. Morris.

SMITHSONIAN ANNUAL REPORT

Now we have the Smithsonian Institution Press. What is the total cost of paying for The Smithsonian Year?

Mr. RIPLEY. That is the annual report to the Congress.

Mr. YATES. The little red book, or the big red book.

Mr. MACDONNELL. It is a little one and a big one. Total cost is expected to be about \$75,000 in fiscal year 1982.

Mr. YATES. That is a report required by legislation?

Mr. RIPLEY. Required under the statute.

OFFICE OF HORTICULTURE

Mr. YATES. How expensive is the operation of your Horticulture Department?

Mr. PERROT. Approximately a million dollars a year.

Mr. YATES. Is that not increasing all the time?

Mr. PERROT. We envisage horticulture as more than the maintenance of grounds and plantings. The discipline of horticulture requires understanding of the history of plant usage, particularly when they are used for the enhancement of exhibits in the build-

ings. Research in the history of floral arrangements can assist our curatorial staff to better interpret a given period in history.

Costs are going up, especially the costs of supplies.

Mr. YATES. I am sure they are. Does SITES pay for itself?

SMITHSONIAN INSTITUTION TRAVELING EXHIBITION SERVICE

Mr. PERROT. SITES receives a subsidy from the Trust Funds of the Institution in addition to the Federal appropriation and in addition to the income from rental fees which we try to keep at a minimum. Federal funds are used to underwrite part of the shipping expenses and the basic staff. This is supplemented by trust fund appropriation.

Mr. YATES. Does it pay for itself?

Mr. PERROT. We are running at a slight deficit, which is compensated by the trust fund side for the time being. We are requesting an increase in the coming year to make up principally for the increased costs of transportation as well as improve the educational value of these exhibits. This is now more necessary than ever before inasmuch as museums, undoubtedly, will be feeling the "pinch" increasingly in carrying out their activities.

Mr. YATES. Who prepares this book?

Mr. RIPLEY. Have you met our new director, Ms. Loar?

Mr. YATES. Yes. Are these beautiful catalogs called "Update" sold? Do you distribute them?

Mr. PERROT. These catalogs are sent to a rather large mailing list, museums and related organizations, so they may attain a better understanding of the offerings of SITES.

Ms. Loar can provide additional information.

Mr. YATES. We would love to hear from her.

Ms. LOAR. They are sent to over 6,000 museums, galleries and other institutions and organizations. There is no charge for it. Update is our annual catalog of exhibitions which are available to American museums as well as museums abroad.

Mr. YATES. How extensive is the Ratner Collection of Antiquities? Does anybody know?

Ms. LOAR. In terms of what we circulated or total collection?

Mr. YATES. It states here number of pieces 176 objects. How do you travel these delicate things?

Ms. LOAR. We have developed very complete specifications for crating and packing which are now used extensively in the museum field across the country. These specifications have set a standard for the profession. We also do it with great care and delicacy.

Mr. YATES. I would think so. I can see why the fee is high, \$3,000 for this exhibit. How much breakage do you have?

Ms. LOAR. We have had very few claims. As a matter of fact, our porcelain and glass shows are the most successful in terms of no claims.

Mr. YATES. This is a beautiful magazine.
Thank you, Ms. Loar.

MUSEUM SUPPORT CENTER CONSTRUCTION

How is your building coming along, support and inventory?

Mr. PERROT. Ground has been broken.

Mr. YATES. Not formally yet?

Mr. PERROT. No.

Mr. YATES. Will you have a formal groundbreaking?

Mr. PERROT. No, only a cornerstone ceremony. The date has not yet been set but we hope it will be within the next few months. We will inform you and members of the committee in plenty of time so that you might be present. Everything is proceeding on schedule, thanks to you.

COLLECTIONS INVENTORY

I expect this building will be ready by the end of calendar 1982 and occupancy early in 1983. We have every indication now, thanks to your revised contribution, that it will be within the budget which has been allotted.

Concerning inventory, we are moving ahead on schedule with a target date of 1983 for all but two of the major museums, the Museum of Natural History and some aspects of American History. The inventory will continue beyond that date for those, two, but we will have a definite statement to make about the collections we own, all of the important pieces will have been accounted for, and the reconciliation of records will then proceed in subsequent years. We are on schedule.

May I add, in relation to the collections management of the Institution that our museums have been asked to develop a statement concerning their acquisitions policies, the reasons for these policies, the kinds of review that take place in the acquisition of objects, the disposition of objects, who is responsible for what, and this is now in effect. A final document, bringing together all of these policies, will be ready for publication no later than October of this year. Policies are now in effect and are being refined to be sure that nothing has been omitted.

Mr. YATES. Have any losses been discovered through the inventoring process? As far as the committee knows at the present time the only losses suffered by the Smithsonian recently from these collections were the snuff box, a silver sugar bowl which Mr. Blitzer had lost was there a silver—sugar bowl you lost?

Mr. BLITZER. Yes.

Mr. YATES. Those have not yet been recovered?

Mr. BLITZER. No.

Mr. YATES. Mr. Kennedy mentioned George Washington's sword.

Mr. KENNEDY. Commodore Biddle's, I think.

Mr. YATES. There were four objects you lost?

Mr. KENNEDY. Two medals, two swords, and some gold toothpicks.

Mr. YATES. Have there been any other losses suffered by the Smithsonian that the committee does not know about?

Mr. RIPLEY. We lost a silver pen which had been used at the signing of a treaty sometime back by John Hay as Secretary of State.

Mr. YATES. Those are the only losses out of the 75 million objects?

Mr. RIPLEY. Yes.

Mr. YATES. Is that right?

Mr. RIPLEY. As far as we know.

Mr. YATES. Nothing more has come out of the inventory?

Mr. PERROT. Nothing has come from the inventory.

Mr. YATES. If you take inventory for the first time you don't know what is missing, do you?

Mr. PERROT. I think our curators are astute and dedicated enough to keep track of the most important objects in the collections.

Mr. YATES. Once inventories are in place, then the problems begin.

Anything else you want to tell us about your program, Paul, that we should know?

Mr. PERROT. No. You will have noted that some positions have been reduced in conservation. These positions are reduced for 1982. We hope to restore them in 1983. They will be critical to execute satisfactorily, the conservation work we intend to perform at the Support Center.

We believe the deferral for a year will not be hurtful but anything beyond that would definitely be so, so we will return next year, sir, requesting these positions.

MUSEUM SUPPORT CENTER EQUIPMENT

Mr. YATES. What about the equipment of the Support Center?

Mr. PERROT. The equipment phase of the Support Center is on schedule. We have let a contract for the development of the detailed plans. We expect to have, shortly, specifications for the prototype. We have in the budget funds to start acquiring material and start building the system which will be ready to start being plugged into the building as soon as it is completed, toward the middle of 1982 probably. It is essential that we keep on track with the budget since we do not want to be phasing into a building with no equipment to put into it.

Mr. YATES. That often happens in government. EDA keeps building Indian clinics and then does not provide for staffing them.

Mr. PERROT. We have millions of "patients" waiting to be transferred to proper facilities, Mr. Chairman. We will be pushing.

Mr. YATES. You refer in your justifications to working drawings and sketches for the building. Who does the planning for the racks, cabinets, storage facilities on the inside? Do you have a staff doing that or do you let it out on contract? Does GSA do it?

Mr. PERROT. We are doing it in all of those ways. We have an internal staff working out all of the specifications. We have a contract with the FMC Corporation, through GSA. They will design the system which will include air circulation, security and fire extinguishing systems.

This is being worked out in intimate association with key members of my staff.

Mr. YATES. How advanced are those drawings and specifications for the interior?

Mr. PERROT. The specifications are progressing. Drawings are still at the conceptual stage.

Mr. YATES. Can you order? The committee appropriated \$2,711,000 last year for the purpose of providing you with funds to

carry on the equipping of the museum support center. You are requesting \$4,495,000 for next year.

Do you need all that money in view of the fact you are still drawing specifications?

Mr. PERROT. We expect to let a contract this year. There is economy in order of magnitude, in addition to the fact that earlier parts of the system will cost much more than those parts which will be acquired over future years. Therefore, we have calculated that this money is essential if we are not only to proceed with the design and construction but have enough equipment ready to put into the building by the time it is completed.

As you know, we have a rather strict time table for the removal of collections from the Museum of Natural History, establishment of the conservation program, and anthropological laboratory policy as well as for the Museum of American History.

ENERGY SAVING DEVICES FOR MUSEUM SUPPORT CENTER

Mr. YATES. Will there be windows in this facility?

Mr. PERROT. Virtually no windows in the storage areas. There will be in the laboratories and office spaces. These windows will be sealed.

Mr. YATES. Will you be using energy-saving devices in this facility to relieve you of the prospective cost of air conditioning and heating?

Mr. PERROT. We will have massive air conditioning needs but the building is being designed to effect energy savings to the maximum extent possible. That is one of the reasons the storage components will be "non-people" areas and will not be easily accessible. However, there will be especially heavy insulation in the roof and walls.

SECURITY AT THE MUSEUM SUPPORT CENTER

Mr. YATES. How about security? How will you secure this facility? The site plan I have here shows rather large installations. Are these trees?

Mr. PERROT. Yes. There will be perimeter security and there will be overall security within the buildings. There will be zoning. There will be areas accessible only through special keys or special codes, punched codes. We expect to have absolute human control and mechanical control on everything that goes into that building at all stages. We expect compliance to be very strict to be sure not only that unauthorized people do not get in, but unauthorized insects also. Everything will be fumigated.

Mr. YATES. I take it the inventory will be completed before the materials have to be moved?

Mr. PERROT. Not an item will be moved to that building prior to having been inventoried. It will be reinventoried when it comes in and located through a master system.

ADDITIONAL EQUIPMENT AND OPERATING COSTS

Mr. YATES. Do you yet know what the total cost for equipment for the support center will be?

Mr. PERROT. We estimate through 1986 that approximately \$17 million will be required. This will include the storage system, conservation equipment, and laboratory equipment.

Mr. YATES. Will you have further requirements beyond that?

Mr. PERROT. We will then continue to fill in those parts of the building which will not have been filled, which will be approximately 35 percent of the space, divided among four bays and three stories. The system will advance three floors at a time, not floor by floor.

Mr. YATES. Does each facility require its own custodial and maintenance equipment?

Mr. PERROT. I believe so, Mr. Chairman. Some services are provided centrally but most custodial services are provided by each museum. My colleague from History and Art reminds me that the National Museum of American Art and the National Portrait Gallery share their custodial staffs.

Mr. YATES. Thank you, Paul.

Mr. PERROT. Thank you, Mr. Chairman.

MICROFILM PROGRAM

Mr. YATES. How long do you intend your microfilm program to last? Does this go indefinitely into the future? I refer to your papers.

Mr. BLITZER. Indefinitely.

Mr. YATES. I imagine that would be true because you will be acquiring additional papers over the years.

Mr. BLITZER. They will be produced over the years.

Mr. YATES. What will you do for storage?

Mr. BLITZER. There isn't that much of a problem with microfilm.

Mr. YATES. I know it is small. Mr. Blitzer is very ambitious.

Mr. WOOLFENDEN. Papers are more of a problem than the microfilm.

Mr. YATES. Where are you going to put them?

Mr. WOOLFENDEN. The negative is here in Washington.

Mr. YATES. Where will you put the papers?

Mr. WOOLFENDEN. Here.

Mr. YATES. They will all be here?

Mr. WOOLFENDEN. Yes.

Mr. RIPLEY. Eventually we hope the International Trade Commission will move out of the adjacent building to the American Art and Portrait Gallery building.

Mr. YATES. What is that?

Mr. RIPLEY. Across the street there is a building which is adjacent to us and which has an underground tunnel connecting it. We hope desperately that GSA will see fit one day to find a few thousand square feet of space for the International Trade Commission among the 3 million square feet they say they need for burgeoning offices. Maybe there will be less need for such offices and we can take over that space. It is right next door.

FOLKLIFE EXHIBITION AT THE RENWICK

Mr. YATES. How long will the Folklife exhibition at the Renwick be in place?

Mr. BLITZER. We will open about a year from now, the first half. The second half will open in the summer of 1982 and will go on altogether roughly a year.

Mr. YATES. A whole year?

Mr. BLITZER. Yes. The whole building for the whole year if funds are available.

Mr. YATES. Did the Reagan budget people approve it for a whole year?

Mr. BLITZER. Yes.

Mr. YATES. How did you escape the cut when the arts and humanities were hit so hard?

No response.

Mr. RIPLEY. We do think we had quite a good cut in the process, Mr. Chairman.

Mr. YATES. You have?

Mr. RIPLEY. We mentioned yesterday close to \$37 million or more.

Mr. YATES. You mean the \$24 million?

Mr. RIPLEY. \$26 million and 96 positions cut by the Reagan budget. There was a reduction of about \$11 million in the earlier go-round.

Mr. YATES. I thought it was \$24 million.

Mr. RIPLEY. About \$11 million in the first go-round, and \$26 million under the Reagan budget. It comes to about \$37 million.

RESEARCH AWARDS PROGRAM

Mr. YATES. Have you lost any personnel as a result of not carrying on the Smithsonian Research Award Program?

Mr. CHALLINOR. No personnel are hired under the Smithsonian Research Award Program nor ever have been.

Mr. YATES. As I remember what you told us years ago—

Mr. CHALLINOR. If we didn't have the program we might lose some people. We lost a distinguished geologist to the University of Colorado. That is the first person who comes to mind.

Mr. RIPLEY. I think we have lost people, we can say unequivocally, because of less favorable grant possibilities. In other words, they cannot get funds outside. They are excluded from getting them directly from NSF. They cannot get them from foundations which are now cutting down very much on science grants. They are very good people and in high demand, so it gets to be a question of fishing or cutting bait.

Mr. YATES. Why can't you use private funds for your research?

Mr. RIPLEY. We do use some. We don't have enough.

Mr. YATES. How much do you use from your private grants?

Mr. RIPLEY. Several hundred thousand dollars, I think.

Mr. YATES. Can you tell us?

Mr. CHALLINOR. \$500,000 now for another program called "Scholarly Studies," covering not only science but all the history and art and all the curators.

Mr. RIPLEY. Fluid research is another \$200,000.

Mr. CHALLINOR. Up to \$2,500 for each individual award.

Mr. YATES. In effect you have your grant program in place.

Mr. RIPLEY. Not enough. It is a fraction of what they could get if they were out in the field.

Mr. YATES. What does that mean? You don't give them very much money throughout the program?

Mr. CHALLINOR. They cannot compete for that much money which they would have available to them elsewhere. That is why we want to reintroduce the awards program.

Mr. YATES. Why not provide extra funds out of the trust fund?

Mr. CHALLINOR. We provide some.

Mr. YATES. That is what Mr. Ripley says.

Mr. CHALLINOR. We feel this is an equitable distribution for research support from both the Federal Government and trust funds.

Mr. RIPLEY. These people are already in place in these jobs because of the Federal bounty, and we feel they are entitled to apply for Federal research funds.

NATIVE AMERICAN PROGRAM

Mr. YATES. Who benefits from the increase of \$300,000 here? I refer to the native American program.

Mr. PERROT. The Native American community will benefit from this program both through the training and workshops we intend to give in various parts of the country, through a series of exhibitions selected from our own collection, as well as through advice given to Native American museums on problems of conservation and other aspects of museum management.

There is also a small increment for the acquisition of contemporary Native American artifacts which will be circulated throughout those communities.

EQUAL OPPORTUNITY PROGRAM

Mr. YATES. How much is presently available for the Office of Equal Opportunity? You want \$57,000.

Mr. YELLIN. That office has a base of \$309,000 Federal dollars and \$119,000 unrestricted trust fund dollars.

Mr. YATES. What has that office done that we can point to with pride? Anything specific?

Mr. JAMESON. Its principal role is to be of help to the Institution in terms of equal opportunity and affirmative action programs in terms of new hires to the Institution and programs for the existing staff.

One thing I would mention particularly which has started this year. We have had two incoming classes in a cooperative education program. We have had five students come on board in September, five additional students came on board this January, and we would expect to repeat that and approximate that level later this year. We are building to a total of some 20-30 students.

Mr. POWERS. This office is extremely helpful to our office. It has a network of consultants and advisors in the equal opportunity area.

The state of the law is not widely understood by employees. They don't know their rights. The consultants have done an excellent job in listening to people's complaints and advising them of what their rights are and in trying to conciliate whenever possible.

OFFICE OF PROTECTION SERVICES

Mr. YATES. What is the authorized security position number for the Office of Protective Services?

Mr. PEYTON. With recent cuts already discussed we will be expecting 555 permanent full-time positions in fiscal year 1982. Approximately 500 of these are guards.

Mr. YATES. Are all those positions filled?

Mr. PEYTON. Yes, sir.

Mr. YATES. What is the turnover in security positions? What is the turnover rate?

Mr. PEYTON. The annual turnover rate is approximately 23 percent.

Mr. YATES. What about the salaries that you pay by comparison to the guards at the National Gallery?

Mr. PEYTON. I don't know that. We can provide it.

Mr. RIPLEY. We are lower, I know.

Mr. YATES. Put that in the record.

[The information follows:]

COMPARISON OF SALARIES FOR SECURITY POSITIONS

The salaries for uniformed security positions at both the Smithsonian and the National Gallery of Art are the same. For both, the journeyman level is GS-4, and night-time and special security posts are staffed at the GS-5 level.

EQUAL OPPORTUNITY

Mr. HUGHES. A further comment on equal opportunity. While the overall employment picture of the Smithsonian is rather good, it reflects a heavy employment of minorities in the protective and custodial jobs.

Where we have had difficulty over the years is in professional positions, particularly scientific professional positions, and our network of employees within the Institution does not reach out adequately, and not historically, to the minority institutions and groups where we might find qualified minority employees, particularly in the professional and scientific grades.

The Office of Equal Opportunity has been of considerable help in gaining, slowly but somewhat, in the scientific and professional areas. Progress is slow because the base is not there, but that office has been helpful in identifying people who are out there.

SPECIAL FOREIGN CURRENCY PROGRAM

Mr. YATES. We asked you about the agreement with the Government of Pakistan on special foreign currency. What is the status of that agreement?

Mr. PERROT. The International campaign has produced approximately \$1,400,000 in hard currency. The Government of Pakistan has committed twice that amount to start work. Work has started. It has been a slow process due to the political and economic difficulties in that country.

However, we are confident, if stability is maintained at the present level, that work will proceed and some of the emergency aspects of this project will go on.

The total project is scheduled to last four to five years.

Mr. YATES. Will you ask for additional money or would \$1 million cover that?

Mr. PERROT. The plan is to ask for \$1 million for each of four years, to a total of \$4 million. The total project is estimated at between \$13 and \$14 million.

Mr. YATES. How much blocked currencies are available for Pakistan now?

Mr. PERROT. I cannot answer that now.

Mr. YATES. Supply it for the record.

[Material to be supplied follows:]

PAKISTANI RUPEES

As of December 31, 1980, there were \$180.2 million equivalent in Pakistani rupees available for United States use.

Mr. YATES. How many Indian rupees are available?

Mr. PERROT. I will supply that as well.

[The information follows:]

INDIAN RUPEES

As of December 31, 1980, there were \$706.7 million equivalent in Indian rupees available for United States use.

AMERICAN INSTITUTE OF INDIAN STUDIES

Mr. YATES. Is the goal of the reserve for the American Institute of Indian Studies still \$4 million?

Mr. BLITZER. It is to accumulate enough rupees to operate for five years after the rupee no longer is an excess currency.

Mr. YATES. How much money is involved?

Mr. BLITZER. It could be as much as a total of \$20 million. The more there is the longer they can hold on and try to seek American funding.

I might point out, Mr. Chairman, I had a copy of a letter that the president of the American Institute of Indian Studies had written, I think to this committee, where he pointed out that in a sense these are funds which already have been appropriated by the Congress. The issue now is one of allocation.

Mr. YATES. That letter may go into the record, Mr. Blitzer.
[The information follows:]

AMERICAN INSTITUTE OF INDIAN STUDIES,
Chicago, Ill., March 9, 1981.

Hon. SIDNEY YATES,
House of Representatives,
Washington, D.C.

DEAR MR. YATES: It has come to my attention only recently that on March 11 your Appropriations Sub-committee will be hearing the submission of the Smithsonian Institution. I therefore hasten, on behalf of the American Institute of Indian Studies, to send an overdue note of appreciation and petition. Our appreciation, of course is of the fact of your, and your Sub-committee's, understanding of the importance of the Smithsonian foreign currency program to the American Institute's endeavors in India—endeavors which have as their goal both scholarship and increased international understanding. And our petition is that the clarity of this understanding continue unclouded by general economic necessities. For, as you well know, U.S.-owned foreign currency has already been appropriated and paid for by the U.S. taxpayer, and is not an area in which economy is desirable or even possible, for the fund is being eroded by inflation in India. It might even be argued that true economy would suggest that the fund be allocated as rapidly as is reasonable.

I would urge that the best use of the dwindling fund is for American educational purposes, and that the American Institute provides a means by which its 35 constituent universities can improve themselves without dollar expenditures: it is through the Institute that faculty and students train themselves in various disciplines, including language. These individuals in turn train not only students and others at their own institutions, but through guest lecturing and through the public media inform a great number of other Americans about a nation and culture of increasing importance to the West.

Another aspect of the Institute's work has been brought home by an article in the March 9 issue of TIME magazine. Part of the 2nd paragraph on p. 15 reads: "Every day, around the globe, the hearts and minds of people like Deepak Kumar (a Delhi schoolboy)—as well as his parents and friends—are reached on a battle field in the East-West struggle where words are the chief weapons . . . Through a propaganda effort perhaps seven times as large as that of the U.S., and with more sophistication than ever before, (the Soviets) are doing just that." Through bi-national seminars, low-priced and high quality publications, and its Fellowship programs, which send over 100 American artists and scholars to India every year, the Institute is exposing India to the best of American thought and individuals who are concerned and committed, not for propaganda purposes, but to a genuine desire to understand. Although it is not their primary purpose, nor the primary purpose of the Institute, these, I would submit, are the best ambassadors we could have.

Our hope, sir, is that your sympathy with these ends will allow you to continue to support the Smithsonian's foreign currency request in both its aspects: for the upcoming fiscal year, and for the forward funded reserve, which will allow the Institute time, after the expiration of the fund, to find other sources to allow it to continue the work which, in our deeply held opinion, is greatly to the benefit of both nations.

For the Trustees of the American Institute of Indian Studies, I am
Yours sincerely,

EDWARD C. DIMOCK, Jr.
President.

Mr. BLITZER. These are rupees.

QUADRANGLE DEVELOPMENT

Mr. YATES. Let's turn to the quadrangle. Explain what the design situation is. I have read articles in the press which have been somewhat confusing. I read an article by Mr. Von Eckhardt in which he seemed to commend the design but said it is fine that the design is being changed.

Then I read an article later by the Planning Commission in which they said that the design is going to be changed.

Can you tell us what the situation is respecting design changes?

Mr. RIPLEY. I think the pros and cons that you read in the newspaper have to do with refinements or possible refinements of the basic surface design, nothing to do with the function of the proposal, a large part of which the most effective part of which is under the ground.

Nowadays there is a considerable number of committees which get into the discussion stage of any design involving public space in Washington, ranging from historic preservation committees right on through to sidewalk supervisors who want to get very much involved in the act.

The one question that has occurred to a number of people about the design is the placement of the two exterior buildings on the surface, their relative size and scale, and the way that they comport to the existing space. I think a great deal of this falls into the realm of aesthetics and is open, of course, to endless argument.

We think that the design in which we have been very open to criticism—which we have accepted in a very welcome way—is moving toward a highly acceptable solution of the critics.

Mr. YATES. We have not yet had an opportunity to ask the National Capital Planning Commission about the design. They will appear before us for their appropriation.

It is kind of interesting that The Washington Post of December 4th, under the headline "Underground Art Museums Opposed" has an article criticizing the design.

The Washington Post of January 9, 1981, under the headline "Underground Museums Approved" has the design approved by the top level people in the National Capital Planning Commission.

I think probably for those who want to read up on it these two articles should go into the record.

[The articles follow:]

UNDERGROUND ART MUSEUMS OPPOSED

(By Paul Hodge)

The Smithsonian Institution's plans to build two largely underground museums on the Mall—one for African art and another for Eastern art—have been opposed unanimously by the Joint Committee on Landmarks as "alien architectural elements" that would ruin the Mall's only historic buildings, the 1855 Smithsonian "Castle" and the 1881 Arts and Industries Building.

The criticism by the Joint Committee, the city's 13-member historic preservation advisory board, comes after two months of reviewing comment on the proposed museum designs from the Department of Interior, the Environmental Protection Agency, the Sierra Club, and the prestigious Committee of 100 on the Federal City. Most of the reaction was negative.

More than 90 percent of the space in the two museums would be underground, with two 2-story pavilions above ground in the four-acre quadrangle, or South Yard, behind the Smithsonian Castle. A Victorian garden and a 140-car parking lot for Smithsonian employees now occupy the quadrangle, which is surrounded by the Freer Gallery of Art, the Castle, the Arts and Industries Building and Independence Avenue.

The cost of the \$50 million project would be split evenly between the federal government and the Smithsonian, through donations and funds raised by its museums and projects.

The Joint Committee has opposed the proposed pavilions, buried light wells, walls and underground parking lot ramps as disruptive and stylistically out of place beside the 19th century buildings.

Lawrence Taylor, spokesman for the Smithsonian, said this week that "there is a difference of opinion over the aesthetic effect" the two museums would have on the Castle and the Mall. But he said the Smithsonian is continuing to make changes in the museums' design and hopes that, despite the criticism, the plan will be approved at the January meeting of the National Capital Planning Commission.

The Smithsonian already has reduced the proposed length of the two pavilions and eliminated the light wells—large, glass-walled pits designed to admit light into the museums' underground levels.

NCPC, Washington's federal planning agency, which has veto power over the museum proposals, is advised by the Joint Committee on Landmarks and by Washington's major arbiter of building style and aesthetics, the Fine Arts Commission.

Fine Arts already has given general approval to the concept of the two museums at its meeting last April, but also expressed reservations about the light wells, the size of the pavilions, and a garden that would replace the present Victorian garden and be planted on top of the underground museum building.

The Joint Committee, however, was scathing in its opposition to the two museums, and said in its November report to NCPC that "the Committee finds this proposal to be so adverse that it recommends reevaluation of the entire concept" of building in the quadrangle.

"It seems particularly inappropriate to remove the Museum of African Art from its present inadequate and cramped though historically rich quarters in the Frederick Douglass House on Capitol Hill to this anonymous and meaningless location in the garden of the Smithsonian Castle," the Joint Committee report said.

It urged as have several groups such as the Sierra Club and the Committee of 100—Washington's first planning agency founded in 1923—that a new Museum of African Art should go near the Gallery Place Metro stop, close to the National Portrait Gallery and the Smithsonian's newly named National Museum of Ameri-

can Art (formerly National Collection of Fine Arts). The District's new art center soon will open nearby in the old Lansburgs department store and many private art galleries are moving into the area.

"At this time neither American art nor African art is represented on the Mall," the Committee of 100 wrote in commenting on the project. "It is difficult to believe that the Museum of African Art can have a 'presence' on the Mall if it is located in a far corner of the quadrangle and is mostly underground."

The Interior Department has urged that the height of the pavilions be lowered, and the Environmental Protection Agency has objected to the extensive underground parking facility proposed for tourists and Smithsonian staff. The EPA contends that the 350-space parking lot would encourage visitors to drive to the Mall, already one of Washington's worst areas of air pollution, although the museum would be almost directly adjacent to Metro's Smithsonian station.

While the Joint Committee objected to the two-story pavilions and the walls surrounding them, "visually isolating the Smithsonian Building from the city," it praised the proposed elimination of the surface parking lot and the underground museum space for the Freer.

The Freer, which houses one of the world's great collections of Oriental art, would become the nucleus of the new center for Eastern Art. Japan already has promised a \$1 million gift to help build the center. The Freer is now too small to house visiting exhibitions.

UNDERGROUND MUSEUMS APPROVED—SMITHSONIAN PROJECT WOULD HOUSE AFRICAN, EASTERN ART COLLECTIONS

(By Paul Hodge)

The National Capital Planning Commission yesterday approved construction of a \$50 million underground complex on the edge of the Mall to house two new Smithsonian Institution museums—one for African art and one for Eastern art.

The subterranean building just south of the present Smithsonian castle on Independence Avenue SW would become the new home of the Museum of African Art currently housed in the Frederick Douglass house on Capitol Hill and in several adjacent town houses. The Eastern art portion of the complex would be an extension of the nearby Freer Gallery and hold various oriental collections.

Except for funding and approval of the exact design of the building, yesterday's planning commission action gives the Smithsonian the final governmental blessing needed to proceed with the project.

The Smithsonian already has pledges of \$5 million from foreign nations and will ask Congress this spring for authorization and \$25 million to build the museum. The Smithsonian expects to raise the remaining \$20 million from private sources.

More than 95 percent of the new 460,000-square-foot museum will be built below ground with two small above-ground pavilions to serve as entrances. It also will house an underground public parking lot and office space for other Smithsonian activities.

The four-acre site, now a formal Victorian garden and an employee parking lot, is bordered by Independence Avenue and the Smithsonian's three most historic buildings—the original 1855 castle, the Arts and Industries Building, built in 1881, and the Freer Gallery of Art, built in 1923.

While approving the location of the new museum complex, the federal planning agency deferred for further study the controversy about whether the complex should temporarily or permanently house the African arts museum.

The NCPC staff, the Joint Committee on Landmarks and the city's prestigious Committee of 100 on the Federal City had strongly recommended against putting the African Museum underground near the Mall because, they argued, it would not give the museum sufficient prominence.

All urged the Smithsonian to consider a downtown location near the Gallery Place Metro subway station where the Smithsonian already has two major museums, the National Portrait Gallery and National Museum of American Art (formerly National Collection of Fine Arts) and where numerous private art galleries also are situated.

But Warren Robbins, who established the African Museum in 1964 and has been its director since the Smithsonian acquired his African collection in 1979, warned the planning commission yesterday that if it did not approve the proposed underground museum now, "We stand to lose it."

"You would be selling the museum down the river," he said, because two years of planning, gifts and collections pledged for it and the momentum to build the museum could be lost.

Robbins and Smithsonian officials oppose a downtown site because, Robbins said, "it belongs on the Mall, symbolically and because there it could attract not just 100,000 visitors a year but 1 to 2 million."

Smithsonian Secretary S. Dillon Ripley and several nationally prominent architects also spoke for the project. Ripley said that, while the Smithsonian saw the underground building as an excellent site for the African museum, it might be moved to an even larger building in the future as the African collection grows.

"Remember that the castle once housed the entire museum and staff, some of whom lived there," Ripley said. "Other collections were once housed in freight cars on the Mall till the Arts and Industries Building was built, and what is now the National Air and Space Museum was housed in quonset huts."

The specific detailed design of the underground building and the pavilions and garden that will go above it still must be approved by the planning commission as well as the Fine Arts Commission and the Joint Committee on Landmarks. Officials say they expect no major obstacles.

Yesterday's planning commission vote called on the Smithsonian to give further study to reducing the size of the pavilions and two walls proposed to go along Independence Avenue, relocating the underground parking garage entrance and studying the problem of growing large trees on top of an underground building.

Commission members said they were concerned that the large pavilions and walls would act as barriers, blocking the view of the historic Smithsonian buildings from Independence Avenue.

THE SMITHSONIAN'S DESIGNS ON THE MALL—EXPANDED HORIZONS AND A QUEST FOR MORE SPACE

(By Wolf Von Eckardt)

Should the Smithsonian dig in?

The venerable institution's secretary, S. Dillon Ripley, would like to enlarge the Freer Gallery and put Africa on the Mall, so to speak.

Ripley and his architects propose to create half a million square feet of underground museum, administrative and parking space south of the Smithsonian Castle. Above it would be a quadrangle in the English college tradition.

"You will recall," says Ripley, "James Smithson wanted us to be 'a college of discoverers.'"

And, indeed, as sketched by the noted Japanese architect Junzo Yoshimura and refined by Boston architect Jean Paul Carlihan of Shepley Bulfinch Richardson and Abbott, the proposed garden court promises an almost intimate, academic air—a nice change of atmosphere from the grand vastness of the Mall.

The quadrangle would be formed by the castle to the north, the Arts and Industries Building to the east, the Freer Gallery to the west and two new, small buildings flanking an entrance from Independence Avenue to the south. Between them would be the original entrance gates James Renwick designed for the castle. The gap between castle and Freer would be closed by a small pavilion—"un pavillon de garde," Carlihan, who was trained at the Ecole des Beaux Arts in Paris, calls it.

Before the National Air and Space Museum was opened, this area was a messy dump of rockets, missiles and Quonset huts. Now, half of it is adorned by a lovely Victorian garden and the other half by a parking lot. The quadrangle idea would considerably enlarge the garden.

The new buildings are the symbolic iceberg tips, as it were, of a new Museum of African Art and a new Center for Eastern Art. In addition to exhibition space, three underground levels will also accommodate an education center, a rare-book library, sundry offices and 350 cars.

The Fine Arts Commission is generally happy with this \$50 million idea. In other quarters, however, there is much muddled opposition.

Some quibble about the design, mostly because in their hearts they do not want to see anything built on the Mall. Others just do not want the Museum of African Art on the Mall. They want to see it downtown.

I, too, quibble a bit with the design, although I most emphatically want to see the scheme built.

In his first model, which is what the opponents saw, Carlihan brought light into the subterranean spaces with large, deep, glass-enclosed light wells. They would not have added much to the museums. (What provides relief from air and light-conditioned museum tedium is the sky and the real world, not the landscaped bottom of a pit.) And they would have badly chopped up the quadrangle grounds.

In the course of further study, Carlihan has replaced these holes with small skylights which, he says, provide just as much daylight below and can be screened by shrubbery.

The present proposal also attempts to give the architectural design of the Center for Eastern Art an Oriental, and the Museum of African Art an African flavor. It makes the place look like a second-class world's fair.

It works better for the East, because a pagoda is a strong form that you can modernize without confusing it altogether with a Chinese turnpike restaurant. It does not work at all for the African pavilion. An African adobe hut just cannot be blown up in reinforced concrete. It's just hokum.

It is going to be tough to find a form for these entrance pavilions—and that's what they are—that gets along with a romantic Romanesque castle (the Smithsonian), a High Victorian factory (Arts and Industry) and a bland, neo-neo-Classical temple (the Freer), and at the same time has some symbolic meaning.

As Le Corbusier said, "Creation is a patient search." Carlihan, I think, is willing to keep searching if only we are patient enough to let him. Many aspects of his design—particularly the ramp entrance to the parking garage—are sensitive and ingenious and warrant our confidence.

The agitation to place the Museum of African Art downtown—in some worthy old church or warehouse, I suppose—has a flimsy emotional appeal, emotional sympathy for the residents of a predominantly black city. But symbolically and practically, it makes no sense whatsoever.

The museum is the almost single-handed work of one man, Warren M. Robbins. He says building a new African museum on the Smithsonian Quadrangle "is a marvelous idea."

Where were all the people who now feel possessive about the museum when we were struggling to build it?" Robbins asks.

He built it in the old Frederick Douglass house on Capital Hill, taking over one adjacent townhouse after another. Now there are no more townhouses to expand into. Besides, the museum's scholarship and reputation reached the point, two years ago, where it became the logical nucleus for a national museum of African art.

As such, the place for it is in the monumental heart of the nation's capital, with our other national museums and alongside our enlarged museum of Asian Art. It is the only place which can properly symbolize the nation's recognition of Africa's culture as well as its newly independent nations.

As Robbins says, if the museum is located somewhere near the Gallery Place subway stop, as some people suggest, it will be visited only by people who seek it out, at best thousands. On the Mall, however, it will be visited by hundreds of thousands, people who had no intention of coming. "And those are the people we want," says Robbins, who remains the museum's director.

His chief problem is space. "We need about five times as much space as we have now," he says. "And we need it soon to accommodate several important collections that we have been promised on condition that we can properly display them.

"The Smithsonian is going to build suitable museum space for the Eastern art anyway," Robbins says. "And that will have to be next to the Freer on the quadrangle. It is only logical and economical to put us along with it."

All this talk of putting us downtown could scuttle the whole idea of a museum of African art."

So could the National Capital Planning Commission, which will consider the scheme next month. It has veto power. And it must realize that if it does not pass the present proposal in some form or another, there will be no Museum of African Art or Center of Eastern Art for another generation.

Although the Japanese and other foreign governments have already contributed funds, it will be hard enough to get money from the American government to build the Smithsonian Quadrangle.

It would seem impossible to get the money to build the museums anywhere else.

APPROVED DESIGN CONCEPT

Mr. RIPLEY. The design concept was approved by the Commission on January 8th. We have a great way to go, more going back to these commissions, Fine Arts Commission, National Capital Planning Commission, and so on. We feel confident, much more confident now that they have actually approved the concept.

CLOSING REMARKS

Mr. YATES. I have finished my questions. Do you have any additional comments you wish to make or which any of your happy band wishes to make?

Mr. RIPLEY. As far as I am concerned I can merely say that I hope you have understood how grateful we are about getting the museum support center under way. This has been a tremendous achievement.

Mr. YATES. I know that.

Mr. RIPLEY. I emphasized that in my remarks.

Mr. YATES. The committee is very much aware of that and the importance of that institution for the wellbeing of the Smithsonian. That is why the committee took the action it did last year in providing the additional funds, so that the purposes of the Smithsonian would not be impaired or minimized as a result of inflationary cost increases.

Mr. RIPLEY. We are very happy about that. I can only say in regard to the roof problem which consumed most of this morning, Mr. Chairman, and which I feel is under way and in hand, we would like you to come down yourself. We will offer you a free lunch. Get up onto one of these roofs and see what it looks like.

Mr. YATES. I have seen some of the roofs.

Mr. RIPLEY. It is difficult to describe them in an overheated room, as it is here, and really have a feeling that you are anywhere near a roof.

Mr. YATES. Aren't you lucky? I sit in an overheated room day by day.

Mr. RIPLEY. That is why you should be luckier still and get a little breath of fresh air.

Mr. YATES. I appreciate the difficulties which are present with respect to the roof. I must say that I am impressed and shocked as well as appalled by the fact that something cannot be done to require contractors to build roofs which will do the job without some kind of deterioration occurring almost immediately or within a year of two or three, as has been happening to almost every Federal building where construction has taken place.

At any rate, that is all in the record. We will try our best to understand it more fully. I still have to worry about the National Visitor Center with the Secretary of Interior on the construction job.

Thank you very much for your presentations.

Mr. RIPLEY. Thank you very much, Mr. Chairman.









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